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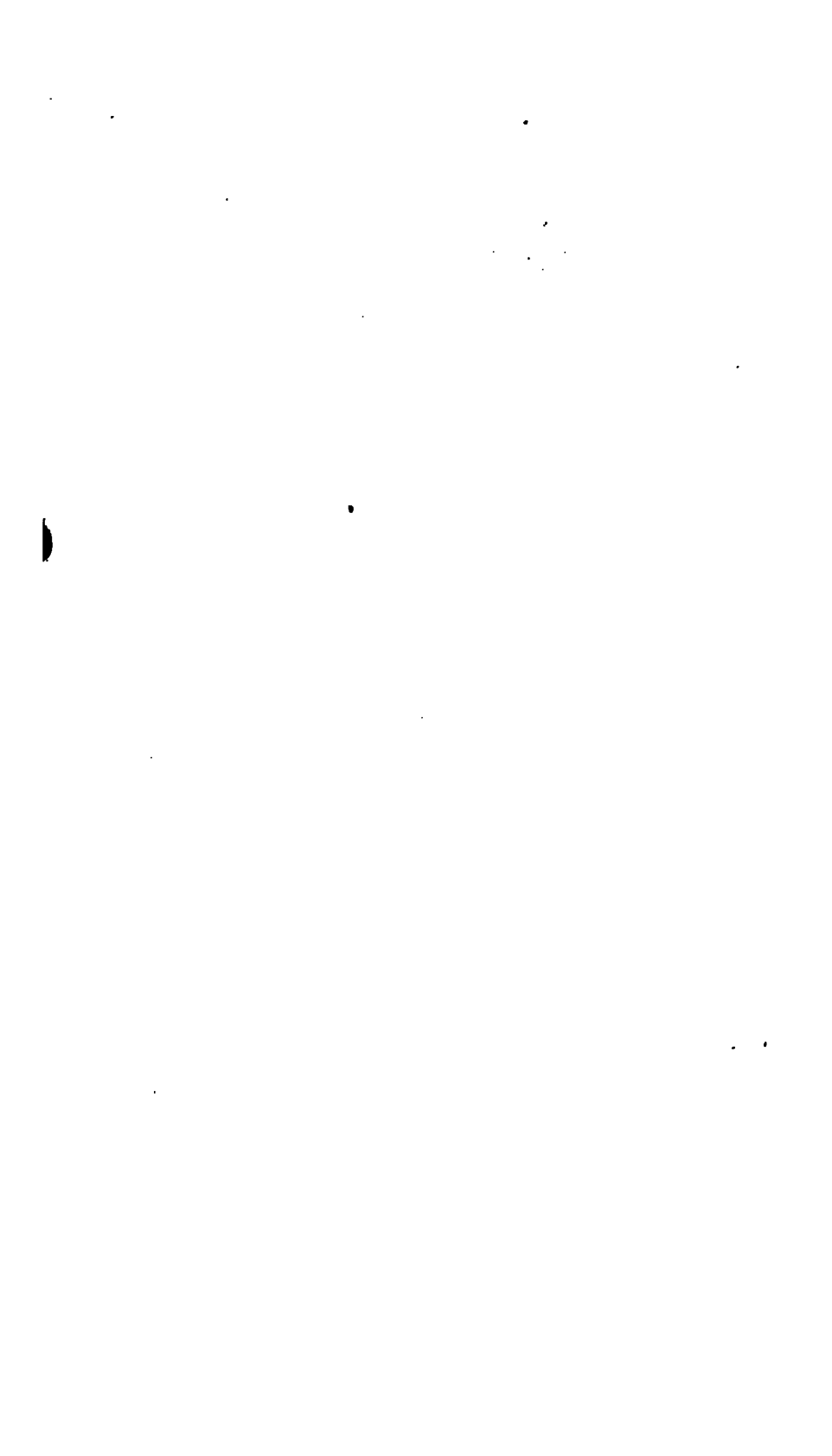
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A  
R E V I E W  
OF THE  
CONSTITUTIONS  
OF THE PRINCIPAL  
*STATES OF EUROPE,*  
AND OF THE  
UNITED STATES OF AMERICA.

GIVEN ORIGINALLY AS LECTURES.

BY

M. DE LA CROIX,

PROFESSOR OF LAW AT THE LYCEUM;

AND AUTHOR OF LE REPERTOIRE DE JURISPRUDENCE;

LA NOVELLE ENCYCLOPEDIE, &c.

---

NOW FIRST TRANSLATED FROM THE FRENCH, WITH NOTES,

BY THE TRANSLATOR

OF THE ABBE KAYNAL'S LETTERS;

TO THE NATIONAL ASSEMBLY OF FRANCE, &c.

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V O L. I.

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M D C C X C I I.

ANCIENT  
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M. L. T.



NOV 11 1895

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## P R E F A C E.

**N**OTWITHSTANDING the haste with which these discourses\* were composed, and the errors which must consequently have crept into them, I think it my duty to comply with the desire expressed by many persons, before whom they were pronounced, of seeing them in print.

Previous to my entering upon the constitutions of the different governments, I have given my opinion on the origin of society: and although this subject has been treated by the most able writers, I have ventured to repeat the ideas which I formerly expressed upon it, in a work on our ancient legislation.

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Man is intended by nature to live under the government, and by the aid, of social conven-

\* They were originally given as lectures by M. de la Croix.

tions. This truth, so often repeated, becomes more evident as we inquire more attentively into the organization of our forms; our lingering growth; and the slow development of our faculties. Ten years must pass away between the moment of our first seeing the light, and that wherein, even in a state of nature, the human being can renounce the aid of others, and exist without the intervention of any powers but his own. If, therefore, he was to be abandoned by those who gave him life at the period when nature ceases to impose upon the mother the necessity of suckling him, he must perish the victim of his own weakness, or a prey to the voracity of other animals. But could the mother be able to support herself and all the children she might produce; and provide for the maintainance and defence of a succession of offspring, if she were not assisted in her maternal cares? Without such assistance, a mother's condition would be of all others the most miserable!

In denying to man the strength and agility bestowed on other creatures, Nature has not left him without a compensation. If he is less strong than the larger carnivorous animals, he has the resource of living on corn, on fruits, and on fish:

*fish*: he can climb to the top of a tree, to pluck its produce: he can dive to the bottom of a river, to seize the inhabitants of the waters.

If his smell is less acute, the touch is the sense better adapted to his stature.

If he is naked, he can, by means of his hands, formed for industry, construct huts, and make garments which he can put on and off at pleasure.

Deprived of the murderous fangs, and horizontal spring of quadrupeds, he is endowed with the power of using an instrument which serves him at once for a supporter, and for a weapon of offence and defence: and he can fling stones, to wound the animal which flees before him, or the bird which wings its way through the air.

But the earth, unfortunately, does not always produce fruits: the animals, which he might seize and devour, disperse and become scarce; while his occasion for nutriment is still the same: how shall he appease this appetite by which he is incessantly assailed?

After having endured, for one winter, the misery of living on the bark of trees, and some few roots, the sufferings of men teach them to be



provident. One man collects, and confines, the least savage animals: he unites them in a flock, which live under his dominion, sustain him with their milk and their flesh, and cloath him with their fleeces.

Another, who has not yet learnt to render the earth more fruitful by cultivation, applies himself to gathering, and storing up, the fruits with which he is presented by nature.

Yet the shepherd, who believed himself so wealthy in the peaceable animals which he led to pasture, beholds them all at once dispersed, destroyed, and borne away by the pitiless hunters, who have fallen upon them.

The fruits, which the farmer had collected and preserved with so much care, are discovered: and, on returning to his cabin, he finds there neither riches nor hope!

How are these unexpected misfortunes to be remedied? If he labours to obtain new supplies from the earth, can he be assured, that he shall not again experience the same loss, by which he is now afflicted? This just fear gives another instructive lesson to his reason. He cannot at the same time go out to gather his fruits, and guard those which he has already collected: he  
therefore

therefore associates with another man, who has also gathered a little store, and has consequently the same danger to apprehend: these men put their treasures together; and while one is abroad gathering supplies to augment the store, the other is at home to protect what is laid up.

In the evening of a fine day one of these associates, whom I shall call the farmer, returns to his hut; exhausted by collecting, and bending under the weight of the treasure which he means to deposit in the subterraneous conservatory, dug by him for the purpose. What is his surprise, when he sees the corn scattered on the ground, and the fruits trampled under foot! He advances, and, oh! unhappy man, finds all is devastation! He raises his hands to heaven: he looks eagerly for the protector, in whom he had placed his confidence: he accuses him of treachery: he runs and calls him: he returns: he pursues different paths: at last he sees a creature like him, lingering in misery: he approaches, but scarcely knows the sufferer from his ghastly and bleeding visage. Oh! fatal effect of property, which has already armed man against man, and caused the shedding of human blood! Alas! it will one day lead to greater evils!

The heart of the farmer, scarcely yet emerged from a savage state, is struck, by this spectacle, with sentiments before unknown: he feels the impulse of sensibility! The wan countenance of his companion; the pain with which he moves, and his appearance of suffering, troubles and affects him: he endeavours to learn the cause of the misfortune; he supports him; he examines his wounds. Ha! was it not some ferocious animal that fell upon him? Why was I not near (he exclaims) to defend him?

The eloquence of signs is now displayed; and that first language of nature, enriched with new expression under the impulse of tender concern. By what gestures does the poor sufferer describe all that has happened! how pathetically represent the entrance of hunters, who little expected to find a master in the cabin he was left to guard! How justly does this man, who as yet knows not how to utter any sounds but those of joy and sorrow, express the ardour of these plunderers in seizing upon the newly discovered treasure; their shudders of extacy; the union of their forces, and his own courageous defence!

It is not then enough to be proprietor of a  
a flock,

a flock, to secure subsistence: that flock must be defended from those who have none. It is not then sufficient to save us from famine, that we make the earth more prolific, and treasure up its fruits; we must guard them from the approach of those who would devour our store, as if they were the produce of their own labour: nor is the arm of one, or of two men, adequate to their defence. How, therefore, shall we repel those daring vagabonds, who are accustomed to make war upon the most ferocious animals?

The shepherds unite, as many of them as can: they have one common cause; and defend in concert their assembled flocks.

The farmers raise their cabins near each other: they render the entrance more difficult; and engage to repel, by common accord, any stranger, who shall dare to enter their dwellings.

As there is a greater analogy between the peaceable life of the shepherd, and that of the farmer, than there is between them and the hunter, the two first, after having had some contentions, conciliate their interests; make reciprocal sacrifices, for the preservation of their

property ; and soon conclude the business, by uniting in one society.

Thus we see, on one side, population begin, and increase, among individuals, united in one body, and fixed on one plot of ground : on the other, we behold that part of the human race which is less removed from a state of nature, diminish, and become impoverished, when forced to remove from that which is more civilized.

The first of these must have cabins to reside in ; while forests are the abode of the other. The first ascend insensibly to their noble origin ; the other are superior to quadrupeds in nothing, but the advantage of their stature, and the resources of their organization.

With that part of mankind who fly from society ; and with those troops of men, whom habits, and want of foresight render savage, no laws are necessary, because they have nothing to lose, and must subsist by plunder : strength is their right, and weakness their wrong : whatever nature produces belongs to the savage ; the earth and the waters are for him : but the man, who is obliged to sow before he can reap, will sow no more, if he cannot hope for a harvest : and he, who feeds a flock, or herd, will lead  
them

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“ their feeble youth ; and when they grow to maturity, their fruits shall be for my use.” This man does no injury to the common property : nay, so far from being an usurper, he renders his subsistence less burdensome to society : and all that is produced by his labour, is so much given by him towards the common stock, out of which all living creatures are to be sustained.

Reason therefore compels us to acknowledge this great truth ; that though the earth belongs in general to all who breathe, he who renders any portion of it more fertile, has an exclusive right to the fruits of that portion, because the profits accruing from his labour belong only to him ; and because the land, which he has appropriated to himself, is not only not purloined from society, but the abundant produce which it owes to his care, is a gift which society receives from him.

The first offence therefore was troubling the husbandman in the enjoyment of the field which he had reclaimed : and there was an indispensable necessity for putting a stop to this outrage, as a violation of the social union, and destructive of all the views of labour and industry.

This

This first offence conducts us to the first general law.

If the gifts of nature have been trebled by human industry; if the most ancient social conventions have guaranteed to man his property, one grand point is gained,—that of preventing famine. But what a multitude of occasions spring out of this security!

The social man beholds himself surrounded with gratifications and delights, to which, in a wandering state, he was insensible, and which seem wholly attached to a sedentary life.

While he now reposes at his ease upon the half-raised stack of corn; or, extended on the grassy hillock, follows with his eye his flocks wandering over the green pasture, he seems transformed by some insensible revolution into a new being: his senses unfold themselves, and acquire perfection: he listens with delight, till then unknown, to the singing of the birds: his ear is caught by the murmur of the fountain: the bright colours of the flowers charm his eye, and he finds still greater pleasure in breathing the odours they diffuse.

That creature, like himself, who possesses less strength, but is more abundantly adorned by the  
graces;



graces; who flies, without being afraid of him she seems to shun, and absents herself only to be sought; she, whom nature has formed pre-eminently amiable, even she had not always the power of attracting his regards: but now, when not under the influence of passion, his heart still pines for her society; and his eyes, expressive of tender sollicitude, yet seek her, when she is away.

If he beholds her from afar, he flies to her no more with a kind of fury: he approaches her with gentle steps; seems desirous of inspiring her with confidence, and takes delight in gazing upon her. He fears her departure; he enchains her with his arms, and thus guides her steps towards his cabin, which he shews, and offers her the riches it contains. Oh love! all is thy property; all belongs to thee: and what thou leavest with us is thy gift.

Has not man now all that he can desire? Can there still be any thing wanting to his happiness? Since he has a sweet companion to sustain, his labour will be no longer painful. When winter wraps the heavens in a gloomy veil; when the winds have dispersed the inhabitants of the air, and changed their song into a short complaining

plaining chirp ; when nothing is heard but the bleak howlings of the wind, and the noise of the agitated trees ; when nature presents no object to the view but one vast sheet of snow, and rivers petrified by frost, man will be no more alone ; and he will wait without weariness for the return of spring.

But what new enemy is that I behold seizing upon this infant society ? He is preceded by suspicion and sullen cares ; discord and fury are his companions, and death itself is in his train.

By these frightful attendants I know him to be Jealousy. Alas ! does then the path which leads to happiness, conduct us also to the dark den of chagrin and guilt ? While man had no habitation but the forest, and while he subsisted only on the wild fruits it afforded him, his enjoyments were as innocent as they were transitory : but when a sentiment, more tender, more exquisite, forms a bond of attachment, and places the woman under his protection : when he engages to provide for her ; to defend her ; to share with her in all her maternal solitudes, she becomes his right, his property ; and she ought to be held sacred by the stranger, who has no pretensions to her.

Thus

Thus are two new properties created for the social man : and these give rise to two crimes unknown among savages—theft and adultery.

From these two crimes proceeded the two first prohibitory laws ; which, after being established by force, were ratified by reason : the effect of them has been to encourage the reclaiming of land, augment population, and improve, by degrees, the appearance of the earth ; which, instead of those thick forests which once shrouded the surface, and confined the obnoxious damps, now presents a gay and airy prospect to the view.

The savage, upon quitting his woods, discovers the fertile plains scattered over by happy inhabitants. The new spectacle first excites his curiosity, and then his desire: but the riches displayed before his eyes, are, to his famished palate, like the limpid water which touched the lips of Tantalus. If he dares advance his daring hand towards them, he is menaced, and pursued by an armed band, before whom he is sensible of nothing but his own weakness.

Plunged again into his gloomy retreats, he relates to his savage companions the wonders he  
has

has seen, and they draw to the confines of their forest to convince themselves of the truth of his relation.

These savages then proceed, in small numbers, a little further, but fly upon the first alarm: they dare not as yet over leap the hedges and the dykes: they content themselves with observing them: but famine soon renders them more bold; and, taking advantage of the darkness, they seize and bear off, in the night, what the day had discovered to them.

These nocturnal ravages spread alarm through the society. The common danger holds the careful guardians of their property, for a long time, under arms: but at last they determine, instead of this defensive war, to chase and destroy the enemies of their repose: and they make no distinction between the savage and bloody men who lay waste their fields; and the wolves which devour their flocks.

From hence begins the chain of human calamities: that frightful chain which soon extends itself to either extremity of the globe!

From hence originate murderous wars: from hence those unrelenting chiefs, who soon become unwilling to lay down their arms, and return to the  
peaceful

peaceful employment of agriculture. This is the period which gives rise to oppression; to slavery; to contempt for a rural life; and to the construction of forts, and cities.

The warrior now studies to improve his instruments of destruction, and to invent new means of giving death: and the insatiable rage of conquest is preparing to extend injustice and sorrow over the face of the earth: while discord, at the same moment, takes her abode among men, and prepares to make their blood her beverage.

What will now become of the two first laws; so simple, and yet perhaps sufficient for mankind, if they had all been civilized at once? They will be crushed down by ungovernable pride! But a day will come when this imperious power shall be herself obliged to revive, to call them into effect; and to make them the defence of her throne. She must also create other laws which shall influence the fate of nations; and on their excellence will depend the stability of the empire.

It was to the excellence of her laws that Egypt owed her long and commanding superiority.

It was this excellence which overturned thrones, supported by injustice and tyranny, and sub-

subjugated to small republics those immense countries enlightened by the *magi*.

It was from this same cause that Rome, contemptible in her origin, as an acorn which the passenger tramples under his feet, became, at the end of a century, like some vast oak, immoveable by human force, which throws its deep roots around, devours the substance of all by which it is encircled, and at last overshadows the universe.

By referring to this first cause, we cease to be surprized at the weakness and the depopulation of that immense kingdom, which is nothing but the treasury of Europe.

We discover, through the same means, the reason of that defensive force which secures the liberty of a people, whose alliance is sought by every power, though they possess nothing but their courage and their virtue.

Such is the idea which I have formed of the origin of society. Perhaps it is chimerical; but it conducts us at least to a conclusion more certain than that which bursts upon us, in all the splendour of eloquence, from the imagination of the philosopher of Geneva.

The uncertainty we are under, with respect

to the origin of civilization, extends to the first form of government adopted by men. To have chosen one, which would preserve to every individual the rights of nature, would have required the most consummate knowledge. Men at that period had senses, but they scarcely had any ideas: they were not conscious of the dignity of their nature: and, proud in victory, as humble under defeats, they knew only to command or obey. Strength, and valour, still continued to have the best right to their confidence; and the man who taught them how to triumph over a neighbouring horde, by whom they had been attacked and worsted, could find little difficulty in inducing them to follow wherever he led the way; or, however mean his share of eloquence, in persuading them to adopt all the laws prescribed by him, for preserving their property, or repressing injustice.

They removed their camps, and conducted their families, according to the will of this chief; they fixt their residence in the places marked out by him; and, as he then gave them no advice which was not conformable to the general welfare, the multitude became accustomed

ed to obey, while he contracted a habit of command.

His advice soon became orders, and resistance to his will appeared a crime.

The first punishment inflicted on a criminal, was the being expelled from the horde to which he belonged, and condemned to lead a wandering and solitary life, exposed continually to the danger of being treated as an enemy, by those who should seize upon him in his exiled and fugitive state.

As the abuse of power is inseparable from the exercise of absolute authority, the people grow weary of a yoke which bears too heavily upon them: disgusted at the injustice practised by their chief, they determine on unanimous resistance; and it is agreed to divide, among those who have most experience, the power which had been concentrated in one single individual.

Thus civilization commences by creating despotism; despotism gives birth to aristocracy; and aristocracy soon generates democracy.

If, at this period, human reason had attained all the perfection which it acquires from experience, it is probable that men would have con-



tinued under the democratic form of government: but it is that in which, more than in any other, there is occasion for the clearest justice, the most universal virtue, and the most perfect knowledge of all the respective rights and duties of society: and how could that universal harmony, that agreement of opinions in public affairs, have been established, and preserved, amidst ungovernable passions and excessive ignorance?

The new formed society, turning in a vicious circle, falls again under the dominion of despotism: sometimes hurried along by the ascendancy of courage, sometimes led astray by the illusions of error and fanaticism.

The first useful discovery renders its author the object of homage to the multitude; and as they are not able to do what he has done, they are disposed to believe him of a superior nature. If he is capable of taking advantage of this blind admiration, he soon erects upon it an empire more firm than that established by valour. Religious ideas are mingled with the respect that is entertained for him: he is approached with trembling; and the populace believe him connected with the celestial powers: to offend him would be, they think, to offend heaven itself:  
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by making offerings to him, they hope to render the deity propitious: and they consult him when threatened by any danger.

The contemplative life of this person, and his long experience, necessarily furnish him with knowledge which other men do not possess: and thus is the cause of that veneration which is felt for him perpetuated.

On his preservation seems to depend the destiny of those who have voluntarily submitted themselves to his laws; and the fate of those states, of which such impostors have been the first legislators, rests upon the degree of judgment, virtue, and equity, possessed by its commanding lawgiver.

It is these pretenders who have disseminated error and superstition on the earth; and unhappily they have taken root so deeply there, that men are still strongly attached to them, and punish with death all those who dare to explain that they have been misled\*.

When we consider that man, by a privilege peculiar to his species, is capable of inhabiting

\* In a second discourse (says M. de la Croix) I offered on this subject, ideas so different from those which at present prevail, that I shall not venture to publish them.

every part of the globe: that he can exist equally under the torrid and the frigid zone; we must be sensible that, as the mutual interests and occasions of men have ever been the chief causes of their associating, societies have been variously modelled, according as these interests and occasions varied. Thus we find in places where the earth, bound up in almost continual frost, offers no means of subsistence to those who have the misfortune to be born upon it, and where they must consequently have recourse to fishing for their support, societies are formed upon the borders of the sea; and that there are few laws, existing in these miserable countries, beside those which direct the equally apportioning the provision obtained from that element, among those who have shared in common the toil and the danger of obtaining it.

In those vast regions, which the sun almost continually illuminates and warms with his presence, men have remained much longer independent than in countries where his absence, and return, produce such changes in the face of nature.

The great variations produced by the change of seasons in temperate climates, have led men  
much

much earlier to reflection, and accelerated their attention to the future. The winter has proved to them a time for meditation; the spring a season of expectation; the summer of enjoyment; and the autumn of labour.

Even the laws of nature must vary according to circumstances: they could not be the same with the Hottentots and the Esquimaux. That which would have been a most atrocious crime among a people who lived by agriculture, might appear only a natural act to those who subsisted by the chase, and had no means of keeping men in slavery.

As the first conventions were produced by the occasions, the resources, and the powers of men, we may probably find, in the same occasions, in the same powers, the origin of governments. Thus, for example, the man who had the ascendancy of strength and of industry over his female companion and his children, began by being the sovereign of his family; and as his children grew and acquired strength, the power of the father increased proportionably. He became able, through their means, of undertaking bolder enterprizes; his possessions were enlarged; and he found himself in a condition to give

laws to the man who had nothing to oppose but his own single force and courage: and this was perhaps the origin of monarchy.

Other chiefs of families, after having been engaged in war, agreed to unite; to lend mutual succour to each other; to assist in providing for each other's wants; to watch over the young men; to restrain them; and to instruct them by their counsel: and thus was aristocracy produced.

After the death of some of these chiefs, the young men, arrived at an age capable of conducting themselves by their own reason, and of defending themselves by their own strength, grew weary of obeying the old men, who had no longer over them the same natural authority: the consequence was, a league formed by the young people against their elders, and their resolving to submit only to the general will. From this resolution democracy proceeded.

By diving in this manner into remote antiquity, we may meet with different systems all consistent with reason: but we shall every where discover, that the various combinations which form a system of government exist only in temperate climates, and are wholly unknown  
among

among people on whom nature has imposed one regular mode of life. Such men require no other chief than a leader to conduct their enterprizes : and when the business is over, all are again equal, and return to their respective cabins ; until the pursuit of some new conquest, or the necessity of repelling some threatened danger, calls them again into action. For this reason all the ideas of these people are simple and contracted.

One nation supposes the supreme power residing in heaven ; and that the lightning and the thunder declare his presence : but if the earth trembles, and they behold all at once a vast chasm open before their eyes, they conclude that there dwells another power concealed in the abyss, who is capable of destroying the dwellings of men. Some again acknowledge no supreme power but him who unchains the winds ; who drives the tempest with his breath, and agitates the floods.

There, religious worship is confined to falling prostrate before the cloud, from whence bursts the thunder ; or raising the hands before the resplendent sun. Here, nature wears so horrid an aspect as never to call forth sentiments of gratitude in the human heart : a kind of stupid terror prevents men from even  
seeking

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It is these pretenders who have disseminated error and superstition on the earth; and unhappily they have taken root so deeply there, that men are still strongly attached to them, and punish with death all those who dare to explain that they have been misled\*.

When we consider that man, by a privilege peculiar to his species, is capable of inhabiting

\* In a second discourse (says M. de la Croix) I offered on this subject, ideas so different from those which at present prevail, that I shall not venture to publish them.

every part of the globe: that he can exist equally under the torrid and the frigid zone; we must be sensible that, as the mutual interests and occasions of men have ever been the chief causes of their associating, societies have been variously modelled, according as these interests and occasions varied. Thus we find in places where the earth, bound up in almost continual frost, offers no means of subsistence to those who have the misfortune to be born upon it, and where they must consequently have recourse to fishing for their support, societies are formed upon the borders of the sea; and that there are few laws, existing in these miserable countries, beside those which direct the equally apportioning the provision obtained from that element, among those who have shared in common the toil and the danger of obtaining it.

In those vast regions, which the sun almost continually illuminates and warms with his presence, men have remained much longer independent than in countries where his absence, and return, produce such changes in the face of nature.

The great variations produced by the change of seasons in temperate climates, have led men  
much

much earlier to reflection, and accelerated their attention to the future. The winter has proved to them a time for meditation; the spring a season of expectation; the summer of enjoyment; and the autumn of labour.

Even the laws of nature must vary according to circumstances: they could not be the same with the Hottentots and the Esquimaux. That which would have been a most atrocious crime among a people who lived by agriculture, might appear only a natural act to those who subsisted by the chase, and had no means of keeping men in slavery.

As the first conventions were produced by the occasions, the resources, and the powers of men, we may probably find, in the same occasions, in the same powers, the origin of governments. Thus, for example, the man who had the ascendancy of strength and of industry over his female companion and his children, began by being the sovereign of his family; and as his children grew and acquired strength, the power of the father increased proportionably. He became able, through their means, of undertaking bolder enterprizes; his possessions were enlarged; and he found himself in a condition to give

laws to the man who had nothing to oppose but his own single force and courage : and this was perhaps the origin of monarchy.

Other chiefs of families, after having been engaged in war, agreed to unite ; to lend mutual succour to each other ; to assist in providing for each other's wants ; to watch over the young men ; to restrain them ; and to instruct them by their counsel : and thus was aristocracy produced.

After the death of some of these chiefs, the young men, arrived at an age capable of conducting themselves by their own reason, and of defending themselves by their own strength, grew weary of obeying the old men, who had no longer over them the same natural authority : the consequence was, a league formed by the young people against their elders, and their resolving to submit only to the general will. From this resolution democracy proceeded.

By diving in this manner into remote antiquity, we may meet with different systems all consistent with reason : but we shall every where discover, that the various combinations which form a system of government exist only in temperate climates, and are wholly unknown  
among

among people on whom nature has imposed one regular mode of life. Such men require no other chief than a leader to conduct their enterprizes: and when the business is over, all are again equal, and return to their respective cabins; until the pursuit of some new conquest, or the necessity of repelling some threatened danger, calls them again into action. For this reason all the ideas of these people are simple and contracted.

One nation supposes the supreme power residing in heaven; and that the lightning and the thunder declare his presence: but if the earth trembles, and they behold all at once a vast chasm open before their eyes, they conclude that there dwells another power concealed in the abyss, who is capable of destroying the dwellings of men. Some again acknowledge no supreme power but him who unchains the winds; who drives the tempest with his breath, and agitates the floods.

There, religious worship is confined to falling prostrate before the cloud, from whence bursts the thunder; or raising the hands before the resplendent sun. Here, nature wears so horrid an aspect as never to call forth sentiments of gratitude in the human heart: a kind of stupid terror prevents men from even seeking

seeking to conciliate the favour of the powers they dread; and when danger is past they forget it, and think of nothing but encountering new perils.

It is in countries blest with a happy temperature of climate, that men enjoy the full exercise of their reason. There conventions multiply; there religious ideas extend; and there consequently, must be found more wisdom, and more error; more riches, and more wants: less cruelty and greater misery. It is there that men talk most of equality, and that the greatest difference in their conditions is to be found.

I have made these reflections, to shew that what is called the law of nature cannot consist in uniform rules; that it must vary according to the variations of climates; and that the authors who have written on this subject, have never stepped out of that circle of ideas, acquired in a state of uniform civilization. They have judged of nature by the countenance which they saw her wear; and of the inclinations of men by the propensities of those with whom they lived.

The cannibal says, " I eat my slave, because, " if I had been his he would have eaten me: I " therefore do as I should have been done by: " how

“how then am I guilty of injustice?” If you say to him, “Unhappy man, that being, whom thou hast the cruelty to devour, is thy fellow creature; thou art therefore more ferocious than other animals” he will answer you “According to your maxims, I ought either to give him liberty or death. If he escapes, he will return; take advantage of my absence for carrying off my wife, and my infants; and conduct them to his companions; who at the sight will chuckle with joy, and portion out among them all which I hold most dear in the world.”

If you observe to him, that it would be less cruel to kill his enemy and leave him, he will say, “But after I have given him death it signifies little to him whether his body nourishes me, or is left to be devoured by beasts of prey.”

If therefore there are countries, where the most shocking of all acts appears founded on the law of reciprocity, it must be granted that reciprocity, which is a law of nature, may conduct us to inhuman practices: and that the cannibal departs less from nature than those civilized men, who have long sacrificed human



victims to the gods; for nature could never teach us to make an offering of death to the principle of life.

To avoid bewildering myself in vain conjectures, I judged it necessary to begin, by considering the fundamental law of all society: and I have demonstrated, that property was the basis of all the improvements, all the productions, added to the common stock, by the exertions of labour and industry. I have shewn also that the man, upon entering into a contract with his wife, by which he obliges himself to support her, to defend her, and to share with her all the parental duties, acquires a right of possessing, exclusively, the companion to whom he has thus bound himself: that from that moment, she who, by her beauty, and the attractions with which nature has endowed her, seems formed for the happiness of all, ought no longer to contribute to the happiness of any but one alone. I cannot however dissemble that the two most legitimate properties have occasioned that injustice, violence, and fury, which have so long troubled mankind; and which have furnished pretences for those who were inflamed with a spirit of domination, to prolong wars, to perpetuate slavery,

ry, and to spread over the world those various calamities, in consequence of which some philosophers have regretted, that men ever left their forests to unite in society; and the celebrated Hobbes was induced to believe, that the state of nature was, with men, *a state of warfare against all.*

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After the foregoing discourse, I made an analysis of the Republic of Plato; and the following are the reflections, which arose upon considering that beautiful work of imagination.

The military power should be regarded as the rampart of a constitution to which it is attached, and the bane of one to which it is hostile.

Are your soldiers only such men as fight for hire, and have set a price upon their blood? If they are, you ought to tremble, lest the arms which you have confided to them for the defence of your liberty, should be converted into chains for binding you in servitude. In vain may you institute the wisest laws for maintaining your privileges, and protecting your property, while you leave at the command of arbitrary authority,  
this

this armed force, which has no liberty of its own, because its members are devoted to a blind obedience: and who, having no possession but their courage, no glory but in triumphs, will turn upon you, break down your barriers, storm your cities, and exterminate your citizens, if you find not some means of interesting them in the public welfare.

Be it remembered, that whenever soldiers style themselves *the servants of the prince*, they are no longer the servants of their country. In order to have a master well served, he must be known, he must be beloved, by those who serve him; and they must look up to him for rewards and protection. A nation should therefore begin by making its military forces sensible that they have a country: let it be shewn to them by its authority, by its justice, by its magnificence: let them be made proud of serving such a master; fearful of its disdain, of its severe reproaches; and let them burn with an ardent desire of meriting its favours.

A spirit of conquest has always led men to injustice, and drawn them, in the end, under the yoke of despotism. A people living in peace are not unjust, because they have occasion for the

None should be admitted into the barracks but natives of the province in which the barrack was situated. It should be from them that men were taken to watch over the public safety ; and as these would be considered as ministers of the law, the employments should be successively granted to such soldiers as had applied themselves in a particular manner to the study of ordinances, of the rules of the municipalities, and to a knowledge of the places in which they might have occasion to act.

There should be, at least once a year, public exercises, to which the municipal officers should be invited ; and these officers should distribute prizes of books, or instruments, to those who obtained a favourable report from their superiors.

Each department should appropriate a fund to the maintainance of its militia ; and that militia should bear its name, and have its arms for their ensigns.

If depopulated monasteries were found in the neighbourhood of the principal cities, I would repeople such deserted dwellings : I would make an active profession succeed to the idleness formerly prevailing there. Military exercise should take place of trifling ceremonies ; patriotic ardour,

attach them to his interest, he makes his country the scene of his conquests : the defeated soldier obliterates his disgrace, by a triumph over the timid citizen !

What is property before an indigent army ! Or what force has justice in the presence of vice, emboldened by conscious superiority ! The inhabitant of the city, threatened with famine and pillage, offers every thing to the chief, if he will but restrain the soldier ; and the chief promises him security, and abundance, on condition of having his orders obeyed : thus is a power established, which commenced among the soldiery ; and which, extending by degrees, converts at last all the citizens into subjects of the chief.

No laws, no regulations, are then suffered to exist but those which proceed from the will of the despot : and to ensure their more speedy execution, his companions in arms become his ministers. Some of them are placed on the frontiers of his empire, under the title of commanders or governors, and many more surround his person, and form his suit.

All favours, all distinctions, are conferred upon these armed bands : who, as they can obtain nothing but by their zeal and devotion to the  
commands

commands of their only benefactor, pay no regard to all the remonstrances, all the murmurs of those men, who are not enrolled under the standard of the despot: and they proceed at last to despise every profession but that of arms, since no other leads to the same honours.

If the tyrant has the art of adapting his favours to the genius of his people, and of exciting their industry in order to draw from thence a larger produce: if he maintains severe discipline in his army, and at the same time makes amends for that severity by distinctions equitably conferred: if he conciliates the affections of his soldiers by his affability, and their respect by an air of fortitude; and if he still in his old age continues to shew them their ancient idol under the majesty of years, he will obtain the crown for his son; and they will all swear upon their swords to obey the child of their sovereign, and exterminate, even to the last individual, those who may rebel against him. And thus is the empire of despotism prolonged. The country now becomes the domain of one single master: the magistrate, formerly the organ of the law, is no longer any thing but the minister of injustice and vengeance;

geance ; and the priest, fortifying tyranny by insidious maxims, pretends that the throne is an altar, the prince an emanation of the deity, and that his subjects should be considered as his victims.

The succeeding generations, born in a forgetfulness of their origin, accustom themselves to errors insulting in the highest degree to human nature. Those errors become a system of religion ; and whoever dares to weaken their authority, is condemned to perish under the sword of fanaticism, of stupid pride, or of interest. It always costs more labour, and more blood, to break the chains of the multitude, and restore them to liberty, than to reduce them to the state of slaves ; unless a vast mass of light, spreading over the whole nation, informs at once all minds ; and that the people, separating as by general agreement from the agents of tyranny, leave them terrified by their desolate situation, and their conscious weakness.

But what is to be done by a people who wish to be guarded for ever from degradation ? They must assure themselves of their defenders ; they must display their courage to the world ; they must identify the public liberty ; and they must  
must

must make it the source of their glory and their happiness.

If I were called to be the legislator of a great empire, I should commence by instituting in each of its divisions a military state. It would be the only profession which I should establish; and that it might be worthily filled, I would attach to it those advantages which generally determine men in their choice:—I would insure to them a comfortable subsistence at present; and the hope of much greater acquisitions in future. Well assured of not wanting candidates, I should require, as necessary for admission, all the qualities valuable in a soldier: such as a vigorous youth; a free devotion to the profession of arms; great docility in military discipline; constant sobriety, and great respect for decorum; which are the first steps towards instruction: I should also expect an aptitude to acquire the knowledge of every thing relative to the art of war.

In each department I would cause barracks to be built; to which the cities should send pupils to undergo an examination previous to their being enrolled under their standard. There the respectable old officers would animate them with warlike ardour, form them to military exercise,



“ they would have been charged with the important  
 “ service : let us shew ourselves worthy of the  
 “ preference with which we are honoured ; and  
 “ let us fear above every evil the resentment of the  
 “ nation falling on our heads, if by neglecting our  
 “ duty we should deceive its confidence.”

When the guards of a monarch consider themselves as the delegates of the people, their zeal is animated by patriotism ; and the constitution of their body reposing on the national constitution, the king will be in perfect security, and the nation will have nothing to fear.

Because we ought, after the example of Solon, to adapt laws to the character, and to the habits of those whom they are to govern, I must yet present some new ideas on the subject.

If in a state, by which I was called upon to establish a military constitution, I found foreign troops essentially necessary, for preserving, or strengthening an useful alliance ; or for maintaining an important neutrallity ; I should require to have these troops attached to the nation by a treaty made between the representatives of the respective powers.

I would have the cities themselves where such auxiliaries were stationed, pay the price of their services,

None should be admitted into the barracks but natives of the province in which the barrack was situated. It should be from them that men were taken to watch over the public safety ; and as these would be considered as ministers of the law, the employments should be successively granted to such soldiers as had applied themselves in a particular manner to the study of ordinances, of the rules of the municipalities, and to a knowledge of the places in which they might have occasion to act.

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for animating his warlike militia, he deemed a dispassionate calmness of mind, and cool wisdom, equally indispensable in those who were to exercise magisterial functions: and before he would exalt men to that august ministry, what virtues, what knowledge, and what rare qualities, did he require them to possess!

Their early education was to be similar to that of his warriors; and it was indeed from them that he would have the defenders of the law selected.

When arrived at the age of thirty, if they shewed themselves disposed to trace justice to its original source; to detach themselves from all terrestrial ideas; and to admire the image of perfect beauty in the perfection of order; he would initiate them into the science of meditation; of that sublime reasoning whose object ought to be in his opinion, to know the essence rather than the existence of things.

He would accustom them to occupy their minds intirely with that supreme good, which, as the source of truth and justice, ought to animate the sovereign magistracy, and render it immoveable in the exercise of its duties. He would keep them in this state of study, in this habit of virtue, and of triumphing

department, recommending its honour to their care.

When they returned, if they had been victorious, the people would run to meet them with branches of laurel ; and they would find every where upon their march the most gratifying testimonies of esteem and solicitude.

The rich would contend for the pleasure of treating them with the most hospitable generosity, until they arrived at their old asylum, where they would experience the kindest care.

There they would find that their grounds had been cultivated in their absence : the old veterans and young military pupils would croud around them to attend the recital of their glorious achievements, and make the soldier repeat again what he found so much pleasure in recounting.

I demand whether it ever could be easy for a monarch to detach such defenders from the love of their country ; to stifle in them the sentiments of gratitude ; to turn their arms against their fellow citizens ; to render them deaf to the law ; and to convert them into instruments of despotism ?

Let these patriot soldiers be compared with those mercenaries whom debauchery, and aver-

That the first title required for pretending to so great power, would be to prove the parties descended from men who had exercised the same power.

That the next qualification demanded would be the possessing a fortune sufficient to pay for their appointment.

And the third, to shew themselves capable of employing injustice and rapacity equal to those with whom they were to act.

“ Oh ! how ” would Plato exclaim at this information : “ How can there ever exist a people so  
“ blind to their interest, as to confide the deposit  
“ of their laws with men so little enlightened,  
“ so easily deceived, and so open to corrup-  
“ tion ? ”

But the astonishment of Plato would redouble if he were to be informed, that these legislative magistrates were not elected by the people, nor even by the monarch ; but by themselves. That the man of most virtue, of most integrity, and who was most versed in the study of the laws, might be in vain called forth by the public suffrage to take upon him the dignity of a judge ; that he could not be raised to that high  
office

office if he enjoyed not the titles of which I have been speaking. That even the prince with all his authority could not place him in the tribunals where justice was rendered in his name, if his elevation had not been agreed upon by those who had established their empire over these tribunals.

The philosopher of antiquity would have replied only with disdain; in a belief that the person who addressed him was opposing a frightful chimera to that beautiful phantom which he had embellished with all the graces of eloquence, and dressed in every charm of virtue.

Though it must be acknowledged that Plato has exaggerated the qualities necessary for magistrates, it must be at least allowed that before an office so sacred as that of being the organs of the law was confided to men, they should have given some certain proof that they would never make an improper use of the sword of justice, but always hold the balance with a steady hand.

The less a nation is disposed to tender their magistrates responsible for the errors incident to human nature, the more careful they should be in choosing men possessed of sound judgment, enlightened

enlightened understanding, well known purity of intention, and integrity equal to every trial.

The Romans committed the sacred fire to the keeping of pure virgins, shut up within a circle, which no prophane person ever dared approach. Is there any thing more sacred to a nation than its laws? And is not justice more certainly descended from heaven than the fire which was preserved so carefully? But it seems to be the nature of men to attach importance to nothing which is not an object of sense! Oh! that it were possible to make the magistracy a real priesthood; to convert the love of the laws into a religious worship, and to transform the chief tribunal into a temple; what grandeur, what dignity, would justice then acquire! A holy emulation would exist between the ministers of the laws, and those of religion; and they would contend for our homage and our confidence by their virtues.

Before they were raised to their august ministry, it should be required of them to have passed a long time in retirement, and to have been employed in studies relative to the exercise of their functions.

It

It is perhaps to these magistrates alone that celibacy should be prescribed, as the means of rendering them inaccessible to internal seduction: They should be excluded from the society of women, because they inspire too much sensibility, and incline men to act rather from the dictates of the heart than of the judgment. Supported and maintained at the expence of all, magistrates should live equally for all; neither should a father ever be exposed to the sad alternative of condemning his son, or absenting himself from his duty.

Great austerity of manners, united with principles equally austere; can alone produce that rigid equity which allows of no exceptions. Shut up within the limits of their temples, they should be inaccessible to all solicitations: they should themselves read all the titles upon which demands were founded, and all that was urged against them by the defendants: and they should afterwards deliver their oracles in presence of the people, admitted to hear and to honour their justice in silence.

Into these asylums of equity; the young candidates, who had undergone an examination on



the rights and duties of citizens, and who were honoured with the public suffrage, should be admitted to study the laws, and so to render themselves worthy of replacing those who should resign their offices; for there should be no ties to confine them to their functions, but a love of justice, and the desire of administering it; and they should be always free to return into the class of other citizens; but they should not be allowed to resume their stations after having voluntarily quitted them. The esteem and gratitude of the nation should be manifested towards them in proportion to the number of years they had devoted to the public service, and it would be then the highest glory to bear the title of an ancient magistrate.

The regret of being detached from all the affections of the soul, would not empoison the most honourable of all duties. The citizen who had consecrated himself to them, would not behold society with envy; because, as he would always be at liberty to enjoy its pleasures, he might at any time chuse between the austerity of his retreat, and the attractions of public life.

After

After having exercised the authority conferred by the law, he might still pretend, after his resignation, to that bestowed by nature. His friends, his neighbours, would come to consult him; and he would inform them what they had to hope or to fear from his late colleagues. He might prevent many presumptuous demands by his advice, and happily terminate many domestic differences.

Thus descended from one tribunal, he would raise another for himself, supported by the authority of experience and virtue.

In a moment when nothing is talked of but regeneration, why may we not entertain ideas of perfection, and lose sight of vicious institutions?

An architect who is going to construct an edifice, begins by levelling the ground, and rasing all the buildings which interrupt his plan; he then lays a solid foundation, and erects upon it a fabric capable of resisting the ravages of time.

Hitherto the French have unfortunately had false ideas of the administration of justice; they have regarded it as an attribute of the sovereignty, when it ought to be considered only as one of its charges.

Kings do not *grant* justice; they *owe* it; for it is the first debt of the power which governs.

Any prince, any monarch, who suffers justice to be sold in his states, makes his subjects buy what belongs to them.

How can it be conceived, after these truths, that sovereigns could ever think of transforming that justice which they owe to their people, into a farm, of selling the offices, and imposing a tax on the necessities of those who were desirous of obtaining it? Oh! how unlike are such princes to the monarch, who, modestly seated at the foot of an oak, established there his tribunal, with no other canopy but the branches of the tree which covered him with their shade; no guards but the love and respect of his subjects; no counsellors but the uprightness of his reason, and the bounty of his heart; and whose audience was his whole nation, assembled to applaud the equity of his decisions.

If the proud barons, the great proprietors of fiefs, had imitated on their respective domains, this beautiful example; if they had known how to create these tribunals of real justice, they would have endured to the very dissolution of the monarchy,

chy, because there is no power on earth able to wrest from virtue her proper empire, or to deprive tried good faith of the ascendancy it possesses. But blinded by self-interest, they chose to pursue those measures which degrade supreme authority; and by considering justice not as a duty, but a source of profit, they have lost both that and all their other usurped possessions,



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constitution and laws come more into comparison with those of France, which he keeps in view throughout the whole of his work, he has entered more into the detail of our municipal laws, civil and criminal, than into those of any other nation; and it is here that he has principally failed; as indeed even most Englishmen must have done, who were not conversant with the practice of our courts. He has made the most material mistakes in that part where he speaks of the benefit of clergy; and he is the more excusable for doing so, as there is not perhaps to be found in any of our law writers a complete account of that privilege which had been so often altered, retrenched, and extended, by different statutes, before it was finally settled in its present state. These errors have been corrected principally in notes; and, where that method would have been too tedious, by sparing alterations in the text.

For the general revision of the chapters on the English constitution, and for the greater part of the notes, I acknowledge myself indebted to a friend; under the benefit of whose correction I trust, that the sketch here given of our government and laws, will be found more full  
and

and more accurate, than might be expected from its brevity. To this gentleman I owe the higher obligation as he could with difficulty spare the moments so employed ; and I believe the reader will regret, with me, that he had not time to enlarge his elucidations.

Wherever I found passages exactly translated from English authors, I have given them in the words of the original, except in a very few instances, where, not being able to obtain the work, or to find the exact passage, I have been obliged to re-translate them. I have also taken the liberty of marking as quotations, such extracts from Blackstone and De Lolme as were not so distinguished in the French text ; an omission which I believe to be wholly attributable to the negligence of the transcriber or printer.

In regard to the American constitution, which, next to that of our own country, is of all others the most interesting to English readers, I have rectified one material mistake of the author, in supposing it was, like the constitution of France, preceded by a declaration of the rights of man. I have also subjoined an Appendix, containing all the state papers necessary to a perfect knowledge of the constitution of the United States



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government is distinguished, and finds the same consequences resulting from monarchy, aristocracy, and republicanism. "A constitution (says he) may be excellent, whether the executive power rest in the hands of one person; whether it be divided among many; or whether it continue in the hands of the people: but that power will become fatal, if monarchy degenerates into tyranny; if aristocracy is turned into oligarchy; or if the democratic authority, falling again into the lower classes of the people, produces nothing but tumult and anarchy."

How grateful must it be to the French nation to find a philosopher, a republican, like Aristotle, giving to monarchical government the first place in the scale of excellent constitutions! But a superior mind raises itself by the force of reason and information above all prejudices, and renders to the

"share in the government. Now the corruptions attending each of these governments are these: a kingdom may degenerate into a tyranny, an aristocracy into an oligarchy, and a state into a democracy. Now a tyranny is a monarchy, where the good of one man only is the object of government, an oligarchy considers only the rich, and a democracy only the poor; but neither of them have the common good in view."

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constitutions of foreign states the praise which they deserve.

Let us now attend to this philosopher, while he defines the power of a monarch.

“ The sovereign (says he) enjoys the supreme authority, and watches over every part of the administration, as well as over the tranquillity of the state. It is he who must cause the laws to be executed ; and as, on one hand, he cannot maintain the laws against those who would violate them, unless he has a body of troops at his command ; and as, on the other hand, he may abuse such an instrument, it should be an established rule, that the sovereign ought to have sufficient force for restraining individuals, but not enough to oppress the nation.”

According to this definition, the chief of an empire subtracts from the legislature no part of its dignity. The supreme authority, with which he is invested, is the right of commanding obedience to the laws, and of causing them to be respected by all who live under his dominion.

We unfortunately cannot dissemble, that wherever the executive power is destitute of force, injustice and insurrections must be expected : that there, property will be violated ; taxes will remain unpaid ; public tribunals will be invaded by animosity and revenge ; and accused innocence have reason to fear, from the weakness of its judges, the



prejudice of its foes, and the will of a multitude, jealous, and thirsting after blood.

If the empire of reason were sufficiently efficacious to command mankind: if it could make them patiently endure the miseries of indigence, and dispose them to labour: if it could repress the licentiousness of debauchery; render the weak respectable in the eyes of the strong; turn the miscreant from his murderous projects, and make rapine submissive to the will of the law, then would it be superfluous to arm executive power with any means of restriction save that of simple reprimand, or any stimulant besides public applause. But in a monarchy accessible to all foreigners, where the cities are inhabited by a multitude of individuals, possessed of no property but what they obtain by labour; and who are drawn into the commission of all manner of crimes, by the hope of escaping with impunity. In a state where the productions of the land have no defence but the public faith; where commerce circulates its treasures under the observation of wretchedness; where each citizen, separating himself from the community, endeavours to evade the payment of taxes, and to cast the burden on another; where withdrawing from the country is a crime, and where the armed plunderer has even the life of the peaceful traveller at his mercy: in such a kingdom or state, if the force of the executive power be not sufficient to subdue the injustice which prevails both

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Such was the juſt opinion entertained by Ariſto- tle of a weak executive power, and, in conſequence, he was diſpoſed to allow majeſty the command of an armed force, but not to let that force be too formidable.

When the military proceed to enforce the exe- cution of a legal decree, they are always ſufficient- ly powerful, becauſe their ſtrength is increaſed by their acting in concert with the wiſhes of all good citizens; while the ſtrength of thoſe, whom they act againſt, is enfeebled by the dread of being finally overcome, even though they ſhould triumph in the firſt inſtance.

If, under the pretext of exerciſing the executive power, in all its plenitude, a ſovereign maintains a body of troops capable not only of ſubduing rebel- lion, but of cruſhing any legal reſiſtance made by the wiſer part of the nation, he is then in a capaci- ty to abuſe his power and eſtabliſh deſpotiſm, which is the ſtumbling-block of monarchical go- vernment. A legiſlator may eſtabliſh good rules

to prevent this evil, but will it be at all times easy to follow them?

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States of America, as it was at first instituted, and as it now stands. To these I have added a sketch of the constitution of each of the separate states; and of the declaration of rights which make a part in some of them.

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THE

A REVIEW  
OF THE  
CONSTITUTIONS  
OF THE  
PRINCIPAL STATES OF EUROPE, &c.

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C H A P. I.

OF GOVERNMENTS, ACCORDING TO ARISTOTLE.

**W**HEN we have collected all that Aristotle has written concerning different governments, we are astonished to find how far the ancients had advanced in the arts of combining powers, and securing liberty from tyrannical invasion; and we regret that this invaluable knowledge, transmitted down through so many ages, has been so long unproductive to posterity.

Habit seems to have still more command over men than despotism: it holds them attached, chained

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down

down to their ancient institutions, however vicious those institutions may be ; and a nation makes one of the greatest efforts of which it is capable, when, harrassed by injustice, loaded with affronts, and overwhelmed with vexations, it suddenly darts its attention through the cause of its sufferings ; and recollects the means within its power for making head against oppression, and breaking the yoke under which it has endured such humiliation and distress.

It is often in the moment when oppressors believe their authority most secure, that it is wrested from them ; for the security, in which they repose, allows to such as are secretly discontented with their oppressions an opportunity of surprising them, while defenceless, and of emancipating themselves forever. It is, perhaps, one of the consolations of slavery, to know that if the oppressed always suffer, their oppressor must be always on the watch ; and that while they have no respite, he can have no repose: this is an incontrovertible truth, which ought to excite in every sovereign, who aspires at despotism, a disgust against it ; and convince him, that no empire is so firmly established as that which is supported by justice, and makes public felicity its object.

\* Aristotle admits of only two kinds of government : one in which national utility alone is considered,

\* Though this passage contains, in some degree, the general result of Aristotle's doctrine with sufficient fidelity, it may be  
more

dered, and the other where it is entirely contemned.  
He deems it of little importance by what name a  
: govern-

more satisfactory to the reader to see those doctrines, is the words  
of the Stagyrite himself. I shall therefore insert here an extract  
from the 7th chapter of the 3d book of his Politics.

“ We come to consider next the different number of govern-  
“ ments which there are, and what they are; and first, What  
“ are their excellencies? for when we have determined this,  
“ their defects will be evident enough.

“ It is evident that every form of government or administra-  
“ tion, for the words are of the same import, must contain a  
“ supreme power over the whole state, and this supreme power  
“ must necessarily be in the hands of one person, or a few, or  
“ many; and when either of these apply their power for the  
“ common good, such states are well governed; but when the  
“ interest of the one, the few, or the many, who enjoy this  
“ power, is alone consulted, than ill; for you must either affirm  
“ that those who make up the community are not citizens, or  
“ else let these share in the advantages of government. We  
“ usually call a state, which is governed by one person, for the  
“ common good, a kingdom; one that is governed by more  
“ than one, but by a few only, an aristocracy; either because  
“ the government is in the hands of the most worthy citizens,  
“ or because it is the best form for the city, and its inhabitants.  
“ When the citizens at large govern, for the public good, it is  
“ called a state; which is also a common name for all other go-  
“ vernments, and these distinctions are consonant to reason;  
“ for it will not be difficult to find one person, or a very few,  
“ of distinguished abilities, but almost impossible to meet with  
“ the majority of a people eminent for every virtue; but if  
“ there is one common to a whole nation, it is valour; for this  
“ is created and supported by numbers; for which reason, in  
“ such a state, the profession of arms will always have the greatest

government is distinguished, and finds the same consequences resulting from monarchy, aristocracy, and republicanism. "A constitution (says he) may be excellent, whether the executive power rest in the hands of one person; whether it be divided among many; or whether it continue in the hands of the people: but that power will become fatal, if monarchy degenerates into tyranny; if aristocracy is turned into oligarchy; or if the democratic authority, falling again into the lower classes of the people, produces nothing but tumult and anarchy."

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Such was the just opinion entertained by Aristotle of a weak executive power, and, in consequence, he was disposed to allow majesty the command of an armed force, but not to let that force be too formidable.

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expected to make upon a mind burning with the desire of conquest? The hero applauded the lessons of the philosopher, but still he quitted his dominions to run in pursuit of victory.

“ As the monarchical constitution (continues Aristotle) depends on the moderation of the prince, it is evident that the safety and the liberty of the subjects must depend upon it also: and this was the reason why in the cities of Greece, where all the citizens were equal, and could equally participate the supreme authority, they were more struck with the inconveniencies than the advantages of a government, which might alternately prove the happiness and misfortune of a people.”

In presenting to our view the dangers attached to regal power, Aristotle did not foresee that men would one day acquire sufficient knowledge in the science of legislation, to render the safety and liberty of the people independent of the disposition of the prince, by establishing a constitution which would be at once the firmest support of the throne, and the strongest rampart of public liberty.

It may perhaps be of little moment to those, who have adopted the monarchical form of government, to know the advantages and disadvantages of aristocracy and republicanism; but as we are only sensible of our happiness, by comparing our situation with that of other men, it is well to be acquainted

quainted with the reasons why we ought to congratulate ourselves on living under the form of government which is most likely to promote public felicity.

We have seen that Aristotle prefers monarchy, provided the monarch can be always detained in that happy state of impotence, which will disable him from oppressing the people, or exalting himself into a despot. Let us now enquire what occasioned this preference.

Aristotle, who lived surrounded with republics, had observed the propensity of mankind to abuse the power which they exercise in common, and been a witness of the dissensions and injustice resulting from their rivalry.

Under a monarchical government, the happiness of the people depends on the virtue of an individual; under an aristocratical form the virtues of many must concur to attain the same end; and in a democracy all must be virtuous to advance the national weal. But as it is much easier to find a single man, adorned with the insignia of majesty, who knows how to unite his own glory with the happiness of his people, and his puissance with the execution of the law, than to assemble many individuals, whose ruling principle is the love of public good, and who are raised to supreme authority without intrigue; and by the undoubted will of their fellow citizens, a perfect aristocracy is much more

more rarely to be seen than a good monarchy. But it is still more difficult, if not absolutely impossible, to find, particularly in a great nation, a democracy which does not serve as a shelter for all the troubles and disorders of anarchy.

“ A true aristocracy (says Aristotle) is that government where the authority is centered in the hands of a certain number of wise and virtuous magistrates.

“ To assure this kind of government, it must be tempered in such a manner that the principal citizens may find in it all the advantages of oligarchy, and the people those of democracy. Two laws must contribute to produce this double end: the one, derived from the grand principle of this kind of government, must confine the chief offices to men of superior talents, without any regard to fortune; and the other, designed to prevent the magistrates from enriching themselves by their appointments, shall oblige them to render an account to the public of the administration of the finances.

“ The constitution is in danger (continues Aristotle) if the government be aristocratical, when the interests of the principal citizens are not sufficiently combined with those of the people, to prevent either class from endeavouring to usurp the authority: when the laws do not prevent the wealth of the nation from being  
“ mono-

“ monopolized by individuals : when government  
“ suffers to pass, unnoticed, the first innovations  
“ which attack the constitution : when magistrates,  
“ grown jealous, persecute illustrious citizens ;  
“ or excluding them from public offices, deprive  
“ them of the power of serving their country.”

But where was this incomparable government ever to be found sustained in all its purity ? It was not even in Sparta, where the Ephori, who were instituted long after the establishment of the Republic, to protect the people against the preponderance of the two Kings and the Senators, pushed the abuse of authority to such an excess, as to split the year into thirteenth months, in order to increase, by a thirteenth part, a certain impost which was payed monthly ; and even dared, by the most iniquitous sacrilege, to cause king Agis to be strangled, without being brought to a trial, and for no crime but that of endeavouring to revive the laws of Lycurgus in all their original purity.

It was not in Carthage, where the citizens were obliged to give proof of their riches, rather than of their virtue, to raise themselves to magisterial offices and govern the republic : where their jealousy, by an unjust refusal, caused the miscarriage of the projects of a great general, and tore him from the bosom of victory : and where the people, enriched by industry, usurped in the end the sovereign authority, and laid the republic in ruins.

It

It was not in Rome, where the power of the *Sens* nate, forever struggling with that of the people, bent sometimes before the ascendancy of the tribunes; and sometimes, rising to despotism, devoted to death all those who endeavoured to restore the ancient laws of the republic: where the citizens were terrified by the name of a dictator: where the craftiness of an augur could influence an assembly; and where men even dared to plunder the urns into which the people cast their suffrages.

\* Let us not deceive ourselves: aristocracy can never be preserved in a state of perfection: it will degenerate into oligarchy; because money will prove, to that class of citizens who are able to purchase votes, a passport to all magisterial offices; and those men, maintaining their situations by a confederacy among themselves, their employments will be perpetuated in their families, and soon become almost hereditary. Thus the people instead of one tyrant will have ten, perhaps a hundred! All attempts to gain those offices which ought to be the reward of merit and experience, will be treated as crimes, and opposed either by pride or a base envy; and the people will remain in a state

\* What follows, the reader will see, applies only to a government, where the supreme power resides in an aristocracy. It will be found to furnish no fair argument against the admission of an aristocratical principle, adapted to a monarchical basis, in a mixed constitution, such as the British.

of humiliation until the edifice, erected by usurpation and vanity, is overturned.

In a monarchy the people have the severity of a single man alone to dread; in an aristocracy they have the hatred of many to fear. In a monarchy there is so great a chasm between the throne and the subject, that the prince, who is seated there, never dreams of a rival starting up to dethrone him: in an aristocracy, as the people and their rulers are less removed from equality, the united efforts of all those who are invested with power, are continually employed to make the difference greater, and so prevent competition.

Under a regal government, the person of the prince obtains respect from his own dignity; from his magisterial character; and from the respect which is borne to the chief of the empire.

Under an aristocracy, where the magistrates can have neither the same attributes, the same attendants, nor pretend to the same reverence, they affect a gravity, an insulting haughtiness of deportment, in order to enhance their dignity in the eyes of the multitude.

Under a monarchy, a great general, a celebrated orator, a man of genius will be honoured, will be encouraged; because it is not necessary to the glory of the monarch's reign that he should command his armies in person; or that he should be endowed with superior eloquence, or make discoveries in the sciences:



sciences : great talents therefore, far from eclipsing his mental qualities, will add fame and splendour to his crown ; and the more they multiply under his government, the more illustrious will be his reign.

Under an aristocracy conspicuous merit disturbs and vexes the depositaries of power, because it raises them up competitors, by attracting to those who are endowed with it the homage of the people. To prevent this, they confine, to their own body, all those employments which afford opportunity for the display of eminent qualities ; such as embassies, the command of armies, and legislation : they limit eloquence, arrest the wings of genius, retard the progress of the sciences, and hold them creeping on in the trammels of old systems.

In a monarchical state, the celebration of public festivals, and the largesses dealt out to the people, are agreeable to the monarch, because they circulate the stores of the affluent, give animation to the arts, and spread around a general glow of pleasure.

In an aristocracy, whatever tends to promote popularity, excites the jealousy of the magistrates ; for they are always afraid that the gratitude of the people should go too far, and even raise to a participation of their power those whom they most wish to exclude.

Those who have had the misfortune to offend a king, may hope for mercy from the magnanimity  
and

and generosity of the prince : but if in an aristocracy a magistrate has been offended, the offender must expect the most extreme severity : all the rigour of the laws will fall upon his head ; for never do senators appear more attached to forms than on such occasions : wrapt up in the cloak of hypocrisy, they arm themselves with the sword of justice, and assassinate their enemy with secret joy. We shall, by and by, have an opportunity to convince ourselves of the difference between these two governments, when we come to examine, with attention, some constitutions now existing in Europe.

Since the natural bent of the best aristocracies is towards oligarchy, which is the sovereignty of the rich, let us observe what Aristotle says on that form of government.

“ In order to constitute (says he) a good oligarchy, the *census*, which entitles a man to rank in the highest class of citizens, should not be too large ; for the more numerous this class is found, the greater reason there will be to presume that it is the laws which govern, and not men.

“ Too many magisterial offices should not be held by one family, as that would render it too powerful.

“ To avoid an excessive inequality of fortune, men should be prevented from disposing of their property to the prejudice of their legal heirs ;

“ and no two inheritances should unite in the  
 “ same heir.

“ The people should be under the immediate  
 “ protection of government: they ought to be  
 “ more favoured than the rich in seeking justice  
 “ on those who insult them; and neither any law,  
 “ nor the credit of any person, should be allowed  
 “ to impede their attainment of subsistence or of  
 “ fortune. Little jealous of dignities which afford  
 “ nothing to the possessors but the honour of serv-  
 “ ing their country, the people will, with pleasure,  
 “ see them pass into other hands, if the fruits of  
 “ their labour are not snatched from their own.

“ In order to attach the people more strongly  
 “ to government, a certain number of small lucra-  
 “ tive employments should be appropriated to  
 “ them; and they should even be allowed to  
 “ indulge the hope of obtaining, by dint of merit,  
 “ magisterial offices of importance.

“ The laws (continues Aristotle) which in many  
 “ oligarchies forbid the magistrates from engaging  
 “ in commerce, produce two excellent effects:  
 “ they prevent their sacrificing to the interest of  
 “ their fortune, those moments which they owe to  
 “ the state; or of establishing a monopoly which  
 “ must be ruinous to other merchants.

“ If the *census* which ranks a citizen in the class  
 “ ordained to govern be rated too high, the class  
 “ will not be sufficiently numerous; and those who  
 “ by

“ by intrigue or talents are raised to the head of  
“ affairs, will endeavour to maintain their stations  
“ by the same means : their rights will be seen ex-  
“ tending by degrees : they will arrogate the pri-  
“ vilege of chusing their own associates : and they  
“ will suppress, in fine, all forms, and substitute  
“ their wills for laws. Then the government will  
“ be found in the last degree of corruption, and  
“ an oligarchy existing in an oligarchy. But as the  
“ people are equally dangerous whether they  
“ cringe to their superiors or their superiors cringe  
“ to them, they ought not to possess, exclusively,  
“ the right of judging, or of conferring all the  
“ offices of the magistracy : for when that is the  
“ case, they soon discover, by the members of the  
“ rich class being obliged, meanly, to solicit their  
“ suffrages, that it would be as easy for them  
“ to retain the authority as to dispose of it.”

I need not point out to the reader, the wisdom and profound discernment discoverable in these principles ; and in the skilful combinations of the authority which governs with the power which obeys. Whatever arrangements are made, this power rests always with the people ; and the only means to prevent their opposing the laws, is to make their happiness depend on obeying them. For this reason the legislator, under an oligarchical government, makes amends to the people for their exclusion from the highest offices, by allow-

ing them to engage in lucrative professions ; and attaching to those situations, at which they must not aspire, such privations and expences, as will prevent their desiring to possess them. By this means the possibility, and the hope of rising by dint of merit are preserved, and the pride of the people is not wounded by an absolute exclusion.

Modern legislators seem to have lost sight of these wise maxims. By accumulating humiliations on the most numerous class, they are often deprived of their own superiority ; and, in endeavouring to be every thing, they expose themselves to the danger of becoming nothing.

We will now pass on to democracy \*, and see what Aristotle says upon the subject. Born in a repub-

\* M. de la Croix is certainly not correct in speaking of democracy throughout the following passage, as a *legal* form of government. Aristotle expressly calls it, a *corruption* of that true popular form which he distinguishes by the application of the name common to all forms ; in Greek, *politeia*, a *polity*, or, as we generally express it, a *state*. An extract from Aristotle, given in pages 3 and 4 will fully prove the justice of this assertion.

In the 2d chapter of the 4th book of his Treatise on Government, Aristotle again speaks of democracy, which he there classes with oligarchy and tyranny, as one of the depraved forms ; and quotes the authority of a writer who had preceded him, supposed to be Plato, to prove that democracy, if it did indeed deserve to be classed with the better forms (which was not agreeable to Aristotle's opinion) was the worst of that class. His words are " This subject has been already treated of, by one of those writers who have gone before me, though his sentiments

" are

republican state, his opinion of that form of government must carry with it considerable authority.

“ Liberty (says he) according to the partisans  
 “ of popular power, can only be found in demo-  
 “ cracy. Liberty is the principle of that govern-  
 “ ment; it gives to each citizen the will of obey-  
 “ ing, and the power of commanding: it renders  
 “ him master of himself; equal to others; and  
 “ precious to the state, of which he is a part.

“ This form of government is subject to the  
 “ same revolutions as aristocracy. It is temperate  
 “ in those places where, for the purpose of ex-  
 “ cluding an ignorant and inquiet populace, a mo-  
 “ derate *census* is necessary to qualify men for a  
 “ share in the administration: where the first  
 “ class of citizens are not victims to the hatred and  
 “ jealousy of the lower orders; and, in fine,  
 “ wherever the laws have sufficient energy to en-  
 “ force attention even in the most tumultuous mo-  
 “ ments; but democracy is every where tyranni-

“ are not the same as mine: for he thought that of all excellent  
 “ constitutions, as a good oligarchy or the like, a democracy  
 “ was the worst, but of all bad ones the best.’ This opinion of  
 Plato carries with it, perhaps, more conviction than the opinion  
 of Aristotle; as he had not, like the stagyrite, enjoyed the favour  
 of Philip, and been the preceptor of Alexander; but from  
 living at Athens where democracy was seen in its fairest dress,  
 may be supposed to have imbibed a partiality for that form of  
 government, rather than for monarchy, or aristocracy: though  
 truth obliged him to speak of it as inferior to either.

“ cal, when the poor have too much influence in  
“ public deliberations.”

It must be granted, that the most dreadful despotism is that of an indigent populace. Too ignorant to know the principles of justice ; too impetuous to observe any order in their decisions ; too avaricious to set bounds to their demands, or pay any respect to posterity ; and too short-sighted to foresee the consequences of their vengeance ; whenever they award favours, or decree punishments, it is with an equal disregard of equity.

Aristotle attributes the excessive power possessed by the people of Athens, to the suppression of the *census*, by which the right of filling offices was regulated ; to the indulgence granted the poor of giving their suffrages in the general assemblies, and in the courts of justice ; and to the command which popular orators had acquired over the multitude.

“ The populace (says Aristotle) were heretofore directed by the military, who, more than  
“ once, abused their confidence to enslave them.  
“ And, as it is always their fate to serve, ambitious men have arisen in these later times, who have  
“ employed their talents to flatter the passions and  
“ the vices of the multitude ; to intoxicate them  
“ with an opinion of their power and their glory ;  
“ and to revive their hatred against the rich, their  
“ contempt for their rulers, and their love of independence. Their triumph is that of eloquence,  
“ which

“ which seems to have arrived at perfection for no  
“ other purpose, but to introduce despotism into  
“ the bosom of liberty itself.

“ Republics, happy in a wise administration, will  
“ not attend to these dangerous men ; but wherever  
“ they obtain credit, the government hastens ra-  
“ pidly to the utmost point of corruption ; and the  
“ people contract the vices and ferocity of tyrants.”

When we find Aristotle speaking so forcibly against the species of orators, known under the name of *Demagogues*, we cannot believe that he means to include in this dangerous class of public speakers, those who, like Demosthenes, endeavoured to rekindle the patriotism of the Athenians, by the fire of eloquence ; and to revive all those great virtues which seemed extinguished in the souls of their fellow citizens. He intended to describe those false patriots, who, by exaggerating the evils which they felt not, and the abuses by which they sought to profit ; and feigning an affection which they never knew ; imposed on the credulity and ignorance of the multitude ; excited their passions ; and used them as instruments for removing their rivals, and obtaining those honours at which their ambition aspired. Such orators as these are truly dangerous, not only in a republic but a monarchy. Eloquence without virtue, was, perhaps, less to be feared at Athens, where the citizens of all ranks possessed



sufficient knowledge and penetration to detect the secret designs of the orator, than it would be in a large city peopled with artizans and hirelings, little accustomed to listen to orators of another description ; and, unfortunately, always disposed to receive the first impressions which wickedness and falshood are willing to make.

“ In a democracy (proceeds Aristotle) all magisterial offices, or at least the greater part of them, should be conferred by ballot.

“ It is essential that offices, military ones only excepted, should be but rarely granted a second time to the same person ; for all the citizens should, in turn, pass through the courts of justice.

“ A senate should be established to prepare such affairs as must be determined in the supreme national assembly, where all the citizens may assist : and where a right of precedence should be granted to this senate, and to those who regularly attend the assembly.”

If such must be the constitution of a good democracy, the impossibility of applying that form of government to a state which comprehends many provinces, will be readily admitted ; and that it can only agree with a single city, such as Athens was.

We ought, in a particular manner, to guard ourselves from desiring a constitution where judges are taken indiscriminately from every class of citizens. Let us remember that it was such judges who condemned

demned Meliades, the saviour of the republic, to be cast into the ditch where malefactors perished; and who commuted this punishment for confinement in a prison, where he died of his wounds. It was such also who banished Aristides, because the surname of *Just*, which he so well merited, gave umbrage to one of these judges. And it was such who condemned Socrates to drink poison, and struck terror through the sages who were his disciples.

Having seen how Aristotle defines the aristocratic and democratic constitutions, let us cast our eye on the government of Lacedemon, which was an aristocracy.

At Sparta the throne was occupied by two kings, sprung from two different houses.

If one of these kings died, his eldest son succeeded him; and the son of that eldest son was preferred before his uncles.

If the king died without either son or brother, the crown descended to his nearest relation; but it never could be enjoyed by one of the other royal house.

It was not, however, thought sufficient that the authority of the two kings should be balanced by this opposition of interests: Lycurgus was willing to restrain and instruct the kings, by a council of twenty eight elders, elected by the suffrages of the people.

As no person could be elected into this council until he was sixty years of age, the Legislator did not judge it necessary to limit the term of holding this office, but by the death of the party.

The kings could not issue any order, or pass any decree, without the concurrence of these senators: they only proposed to the senate the subject for deliberation, and each of their votes was counted as two suffrages.

The kings could never be absent from the republic during a peace. In time of war one took the command of the army, and the other remained in the midst of the citizens.

When any of the senators finished his career, his successor was elected in the public place: each candidate appeared in succession, regulated by ballot, and passed round the circle with his eyes cast down. The appearance of each was greeted with shouts of approbation more or less frequent; and these plaudits were collected by men placed purposely in a house from whence they could not see the candidates. When those who had thus collected the voices came forward to declare the majority, the plaudits were manifested in a manner more lively and determined; and the report made by them, and always credited by people, was thus confirmed by their voices.

“ In this honourable struggle (says a modern writer) virtue could only be overcome by virtue.”

The

The republic of Sparta supported itself for a long time under the single authority of its two kings, and twenty eight senators. Five ephori were afterwards added, who were at Lacedemon what the tribunes were at Rome; they performed the duty of censors, and were elected annually.

As the ephori were chosen from every class of citizens promiscuously, the people considered them as their true representatives; and having a more immediate hope of succeeding to their authority, it was extended at the expence of that of the kings and senators. The ephori alone remained sitting when the kings came to take their seats at the tribunals.

If a king was accused of having violated the laws, or betrayed the interest of the state, he was tried by his colleague, the twenty-eight senators, and the five ephori; who condemned him to pay a fine, and sometimes deposed him.

The ephori could cite one of the kings to appear at their tribunal; and he was obliged to obey the third citation.

The Spartans met every month in general assembly. There all affairs were brought which concerned the public: such as regulating the succession of the throne; electing or deposing magistrates; pronouncing judgment upon public offenders; and decreeing on great objects of legislation or religion.

Each

Each person who assisted at these assemblies had a right of giving his opinion there, if he had attained the age of thirty years, and was of irreproachable character; and they carried their attention to this point to such a rigid extreme, that a very eloquent citizen having made a proposal, which the assembly was going to adopt, a senator arose with indignation against the ill fame of the orator; and caused the same thing to be proposed by a virtuous citizen, that the republic might not blush for having followed the opinion of so contemptible a man.

I must beg leave to make one reflection on this act of severe virtue. How could a citizen, so vile as to be unworthy of giving even good advice to the republic, be suffered to remain a member of it? Surely despotism could not have pushed the abuse of authority to a greater excess than by condemning an able orator to silence, and ravishing from him the honour of that wise advice which was adopted?

When any affair before the assembly had been sufficiently explained, a thousand voices were heard at once for the negative or affirmative; and when, after many trials, it was impossible to distinguish which had the majority, one of the ephori ascertained it by counting the numbers in each party, which he separated and placed on different sides.

By the creation of the ephori, the constitution which

which Lycurgus had given to Sparta was changed. The kings became mere shadows of royalty; and the senate trembled before the power of those new magistrates.

By thus opposing an unlimited authority, to that power (the limits of which were clearly marked) possessed by the two kings, and the twenty-eight senators, the people believed they should be more free; but they became more oppressed by despotism. There was no longer that rivalry, between the two sovereigns and the members of the senate, which had excited each to endeavour at proposing the best laws, that he might enjoy the triumph of having his proposal sanctioned by a majority of voices. When five ephori were placed in opposition to this august power, the two kings found themselves unable to prevail by their suffrages: and, in order to strengthen their authority by the support of the people, they proposed laws contrary to the public welfare, but favourable to the inclinations of the multitude. By this means an aristocracy was established in an aristocracy. And thus, the wise institution of Lycurgus being defaced by degrees, the government of Sparta, which could not bear a mixt constitution, began to shake, and was soon entirely destroyed.

There is, in the science of government, one truth, of which legislators ought never to lose sight, whenever the principles of a constitution suffer innovation: it is, that matters should be restored, even by

by violent means, to their original state; or that some new form should be created, more adapted to the times and the manners of the people.

All the parts of a good government should be well united, and accord well together. It will be viciated, disjoined, by the least incongruity; and any disjunction opens a way for abuses, which soon undermine and occasion its entire ruin. It may indeed, by a concurrence of circumstances, and its ancient reputation, support itself for a time, but its fall will be at last more violent.

This very cause, according to Aristotle, drew on the ruin of Carthage, whose fall he had foretold with that spirit of wisdom, which, by observing the alterations introduced into its government, could calculate the extent of its resistance and duration.

Carthage had, like Sparta, two chiefs, to whom the Greeks gave improperly the title of kings. Their reign was annual, and they might be chosen out of different houses, provided they were rich and ancient.

A numerous senate formed the council of these two chief magistrates; and there all the important affairs of state were discussed. Another body of magistrates, one hundred and four in number, was charged with maintaining the interests of the people.

The nation, in its general assemblies, sanctioned or annulled the decrees of the senate, according to the report made of them by the two chiefs and the senators.

All

All magisterial offices were conferred, by way of ballot, on those who, from their seniority and fortune, were entitled to fill them; and their authority was limited by law. The general of an army only, was, when at the head of his troops, endowed with unbounded power: but, in his turn, he was obliged to give an exact account of his operations before the senators, whose decisions were frequently even too severe.

It was by the distribution of these powers in various combinations, that Carthage, as proud of her liberty, as of her opulence, had always opposed tyranny, and found means to resist the efforts of Greece, animated against her by the spirit of vengeance; and even to counterbalance, for a long time, all the power of the Romans.

The constitution of Carthage had, as we have already observed, many faults. Neither virtue nor merit, without the addition of riches, could raise their possessor to the magistracy; because none could pretend to these offices, without paying a *sensus* proportioned to the dignity of the office.

The same citizen might hold, at the same time, many different magisterial offices; by which the power of the offices, so combined, was greatly circumscribed, and their distinct authorities frequently confounded: a natural consequence of their being lodged in the same hands.

Commerce was not forbidden to the magistrates;  
which



which frequently caused them to sacrifice the public interest to their own.

The people, having neither magisterial offices, nor the grand resource of commerce for enlarging their minds, remained in a state of abasement, which confined their faculties and contracted their ideas.

When one of this lower class of citizens obtained any lucrative employment, he disputed dignity with the ancient senatorial houses; but as he breathed only the sentiments of vanity and self-conceit, he disgraced the magistracy with which he believed himself adorned.

The first citizens had at least the superiority obtained by a proper education and a habit of governing; while the others possessed nothing but their ignorance, and an arrogant desire of humiliating their colleagues, by drawing from them the suffrages of the people, who are always disposed to favour those that come nearest to their own level.

By thus conferring the high offices upon the rich, instead of bestowing them on experience, talents, and virtue; and for want of knowing how to confine the qualification, obtained by riches, to a certain class accustomed to govern well, authority fell into the hands of men, who had obtained their wealth by the chance and frauds of trade: hence arose that base attachment to gold, which corrupted every heart, and forced those lamentations from Hannibal; when, ashamed of his fellow citizens, he reproached

reproached them for having, without regret, sacrificed their arms, their vessels to the Romans ; and yet fighting over the loss of their money and their jewels, as things of greater estimation in their eyes than the means of recovering their honour.

In examining the causes of the prosperity and fall of these famous republics, we must perceive the importance of a good constitution; the necessity of establishing it on the principles of justice; of making it clear in all its parts; of fortifying it with good manners; of investing it with public spirit; and of extending over it universally the empire of virtue.

I shall not leave the subject of antiquity, or turn to the constitutions existing in Europe, until I have taken a view of the two famous republics of Athens and Rome: until I have developed the beauties and imperfections of their governments; and evinced their decline and annihilation to have had no other causes than the innovation of their constitutions; while other empires, such as China, supported on a less perfect legislation, have resisted the torrent of ages, by the respect which the people have never ceased to preserve for the institutions of their first legislator.

If Aristotle, from the observations he was enabled to make, concluded that monarchical government was the most eligible for men united in

society, how much more, must we suppose, he would have been convinced of this truth, if he could have glanced his eye through futurity; and seen a powerful monarch, weary of long injustice, ascending from the bosom of knowledge to the sublimest heights of reason: wisely calculating the rights of all the citizens: breaking, with a vigorous hand, the fetters in which the spirit of domination had enthralled his noble pinions: substituting established rules for arbitrary will: placing all property under the safeguard of the laws: exalting himself to the height of executive power, by the impressive representation of sovereignty: restraining perfidious counsellors, and the ambitious agents of tyranny, by the fear of a tribunal, the protector of the interests of the nation: possessing the skill to leave only with the monarch (yet without impairing the splendor of the throne, or the dignity of majesty) the happy power of dispensing benefits; causing justice to reign; intimidating the wicked; and receiving, in the midst of public prosperity those testimonies of fidelity and affection, the more gratifying from their being the emanations of liberty.

CHAP:

## C H A P. II.

OF THE ATHENIAN GOVERNMENTS, AND THE  
LAWS OF SOLON.

**W**E have informed ourselves what is a true aristocracy ; and how little that form of government was supported in all its purity even in Lacedemon.

If the wisest people upon earth could not habituate themselves to live under the empire of two kings, whose powers, counterbalancing each other, possessed no energy, but when they mutually contributed to the welfare of the republic. If, notwithstanding they had themselves chosen twenty-eight senators, who were raised by their age, by their virtues, to the supreme authority : if, notwithstanding they possessed the power of annulling in their general assemblies the decrees of the senate, they still found themselves governed by an authority not sufficiently tempered, it must be confessed that the best aristocracy will not agree with men who are actuated by a spirit of freedom\*.

\* It has been remarked in a former note, that these strictures on aristocracy can only apply to a government purely aristocratical ; and in no degree to the aristocratic part of a mixed constitution ; where its power is counterpoised by an equal weight of monarchical and democratical influence ; and all its evil tendencies done away by the impossibility of their ever attaining their object.

We have seen in the constitution of Carthage, an aristocracy very inferior in its nature to that of Sparta; and which in the end degraded the minds of all the citizens, because it was established on a vicious foundation; that of the superiority of riches\*. From thence we must conclude, that whenever men, instead of confiding the care of their prosperity, and the maintenance of their laws, to citizens eminent for virtue, deposit them exclusively in the hands of those who pay the largest *census* to the republic, they must expose themselves to the misfortune of being one day governed by magistrates more attached to riches, the source of their elevation, than to the glory of their fellow citizens.

By fixing the reader's attention on the principles which constitute an aristocracy, I shall be able to demonstrate how egregiously we have, in our recent troubles, misapplied the term of *aristocrate*; which neither agrees with the courtier, the soldier, or the ecclesiastic.

Let us not adopt this error; but distinguish ambition, and selfishness, defects too natural to men, from that propensity for dominion which characterizes the aristocrate.

True aristocracy can not exist but in bodies invested with public power. It is respectable, if its

\* The term aristocracy is improperly applied here: a government of this description is an oligarchy.

members are only the organs of the general will, and the defenders of the law : but it becomes a monster, if those members substitute their passions in the place of that will, and of that law : if they make them subservient to their lust of authority, or to their vengeance : if they sacrifice the interests of the citizens to the projects of despotism : or if, to aggrandize their own powers, they make themselves the accomplices of tyranny, at the risk of plunging the people into servitude. It is no longer an act of courage to attack those whose aristocracy formed a humiliating chain for the nation : let our wisdom preserve us from that which may rise out of its ruins ! We will not, however, obscure a prospect of future happiness by gloomy presentiments ; but, turning our attention from the scene before us, direct it to former times, and enquire whether democracy has been more favourable than aristocracy to the people of Greece.

Popular government never prevailed more fully than at Athens. That state had been, in its infancy, monarchical ; but became an aristocracy under the first archons : and Solon gave it afterwards the best democratical form \*. By his establishment, the supreme power was lodged in the assemblies,

\* The form of government, established by Solon at Athens, was certainly not a democracy, but that popular form which the Greeks termed *politeia*, and we call a state or a commonwealth.

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where all the citizens had a right to assist, and where they determined on all the great concerns of the state,

Solon knew too well the genius of the Athenians, to believe them capable of introducing serious and wise discussion in these assemblies: he established a senate, composed of four hundred persons, taken from the four tribes, in which all the citizens of Attica were included. These four hundred were the representatives of the nation: it was to them all affairs were proposed, on which the people were to decide: they examined them with attention, and afterwards made a report to the general assembly. Thus one of the fundamental laws of the republic was, that all decisions of the people should be preceded by a decree of the senate.

To prevent that multitude of suffrages (which, from their restlessness, and the fluctuation of their ideas, may be compared to the waves agitated and borne along by every wind) from being hurried away into party violence or false opinions, by the impetuosity of young men, it was ordained that those who first gave their suffrages in any decision should be at least fifty years old.

Solon was not ignorant of the influence of words, and their dangerous effects, when not directed by an enlightened understanding and a virtuous mind. He submitted orators to a trial which might close the lips even of the most eloquent.—He ordered  
that

that no orator should intermeddle in public affairs, until his conduct had undergone an examination: and every citizen was permitted to prosecute, in the courts of justice, any orator who had found means to conceal the irregularity of his manners on this severe examination.

Here, as at Sparta, a citizen could not give a vote until he had attained the age of thirty.

When any affair was brought into the assembly, it was first decided, whether it should be taken into consideration or not; for the people had a right, absolutely and simply, to reject the decrees of the senate; or to confirm them, after examination. It was this that made a stranger say at Athens, *Here sages deliberate and fools decide.*

It is not sufficient to obtain just decrees from the multitude; the execution of them must be confided to good magistrates.

If the period of holding magisterial offices is limited, and the officers elected, how can we be sure of a good choice, while it depends on a multitude, who know neither how to distinguish merit, nor to defend themselves from seduction or intrigue; and who are not even sufficiently informed, to perceive that their welfare depends on the probity of those who govern them. It is necessary to place a curb on the ambition of ignorance; and, to break that equality, of which the people are so jealous; particularly in a democratic state.

The Athenian legislator had, as we have already seen, divided the citizens into four classes. The first class was composed of those who collected five hundred measures of corn or of oil on their own heritage: the second, of those who collected three hundred: the third, of those who collected two hundred: the poorer citizens formed the fourth class: and this last had no pretensions to the magistracy. If this exclusion was humiliating to the artizans, they were made amends by an exemption from all imposts; and this was doing more for the good of that class, and the welfare of the republic, than the admitting them to the dignity of archon; or introducing them into the areopagus, which they would frequently have degraded by their vices. This class preserved but too much right in the sovereignty, by their votes in the general assemblies, where they could withhold their voices from the decisions issuing from the senate; and which they frequently made it their glory to annul, more from motives of caprice than equity.

When the magisterial offices are held too long by the same citizens, they give an ascendant destructive to equality. Solon commanded that they should be granted for no more than a year. There was one office which had wisdom alone for its basis; which took no part in the administration of the republic; but whose duty was to watch over the manners of the people. It derived its authority  
from

from the respect borne to those who were invested with it, and was held for life.—This was the office of an areopagite.

Indeed, how could the people depend on any citizen remaining always virtuous, though he had shewn himself during one year a model of virtue? Wisdom, on the contrary, is permanent. He who has once attained its summit, will rarely descend; but he who has not yet mounted to the middle of the career, can never be borne thither by the votes of the people. This distinction declared the sublime wisdom of the legislator.

When vacancies happened in the areopagus, they were filled by the archons, whose names were inscribed, if their conduct was judged irreproachable; and thus justice, after having displayed its zeal, and made its equity shine in the eyes of all the citizens, went to repose in the bosom of wisdom.

The great inconveniency of republican governments, is the instability of their decrees, and their perpetual change of opinion; for there faction is continually agitating the citizens and shaking the constitution.

To prevent this danger as much as was in his power, Solon ordained punishment for all citizens who, in the time of trouble, did not openly declare themselves for some party; and thus the freest of all men had not the liberty of concealing their opinions,

which frequently caused them to sacrifice the public interest to their own.

The people, having neither magisterial offices, nor the grand resource of commerce for enlarging their minds, remained in a state of abasement, which confined their faculties and contracted their ideas.

When one of this lower class of citizens obtained any lucrative employment, he disputed dignity with the ancient senatorial houses; but as he breathed only the sentiments of vanity and self-conceit, he disgraced the magistracy with which he believed himself adorned.

The first citizens had at least the superiority obtained by a proper education and a habit of governing; while the others possessed nothing but their ignorance, and an arrogant desire of humiliating their colleagues, by drawing from them the suffrages of the people, who are always disposed to favour those that come nearest to their own level.

By thus conferring the high offices upon the rich, instead of bestowing them on experience, talents, and virtue; and for want of knowing how to confine the qualification, obtained by riches, to a certain class accustomed to govern well, authority fell into the hands of men, who had obtained their wealth by the chance and frauds of trade: hence arose that base attachment to gold, which corrupted every heart, and forced those lamentations from Hannibal; when, ashamed of his fellow citizens, he reproached

reproached them for having, without regret, sacrificed their arms, their vessels to the Romans ; and yet fighting over the loss of their money and their jewels, as things of greater estimation in their eyes than the means of recovering their honour.

In examining the causes of the prosperity and fall of these famous republics, we must perceive the importance of a good constitution; the necessity of establishing it on the principles of justice; of making it clear in all its parts; of fortifying it with good manners; of investing it with public spirit; and of extending over it universally the empire of virtue.

I shall not leave the subject of antiquity, or turn to the constitutions existing in Europe, until I have taken a view of the two famous republics of Athens and Rome: until I have developed the beauties and imperfections of their governments; and evinced their decline and annihilation to have had no other causes than the innovation of their constitutions; while other empires, such as China, supported on a less perfect legislation, have resisted the torrent of ages, by the respect which the people have never ceased to preserve for the institutions of their first legislator.

If Aristotle, from the observations he was enabled to make, concluded that monarchical government was the most eligible for men united in

society, how much more, must we suppose, he would have been convinced of this truth, if he could have glanced his eye through futurity; and seen a powerful monarch, weary of long injustice, ascending from the bosom of knowledge to the sublimest heights of reason: wisely calculating the rights of all the citizens: breaking, with a vigorous hand, the fetters in which the spirit of domination had enthralled his noble pinions: substituting established rules for arbitrary will: placing all property under the safeguard of the laws: exalting himself to the height of executive power, by the impressive representation of sovereignty: restraining perfidious counsellors, and the ambitious agents of tyranny, by the fear of a tribunal, the protector of the interests of the nation: possessing the skill to leave only with the monarch (yet without impairing the splendor of the throne, or the dignity of majesty) the happy power of dispensing benefits; causing justice to reign; intimidating the wicked; and receiving, in the midst of public prosperity those testimonies of fidelity and affection, the more gratifying from their being the emanations of liberty.

CHAP:

## C H A P. II.

OF THE ATHENIAN GOVERNMENTS, AND THE  
LAWS OF SOLON.

**W**E have informed ourselves what is a true aristocracy ; and how little that form of government was supported in all its purity even in Lacedemon.

If the wisest people upon earth could not habituate themselves to live under the empire of two kings, whose powers, counterbalancing each other, possessed no energy, but when they mutually contributed to the welfare of the republic. If, notwithstanding they had themselves chosen twenty-eight senators, who were raised by their age, by their virtues, to the supreme authority : if, notwithstanding they possessed the power of annulling in their general assemblies the decrees of the senate, they still found themselves governed by an authority not sufficiently tempered, it must be confessed that the best aristocracy will not agree with men who are actuated by a spirit of freedom \*.

\* It has been remarked in a former note, that these strictures on aristocracy can only apply to a government purely aristocratical ; and in no degree to the aristocratic part of a mixed constitution ; where its power is counterpoised by an equal weight of monarchical and democratical influence ; and all its evil tendencies done away by the impossibility of their ever attaining their object.



We have seen in the constitution of Carthage, an aristocracy very inferior in its nature to that of Sparta; and which in the end degraded the minds of all the citizens, because it was established on a vicious foundation; that of the superiority of riches\*. From thence we must conclude, that whenever men, instead of confiding the care of their prosperity, and the maintenance of their laws, to citizens eminent for virtue, deposit them exclusively in the hands of those who pay the largest *census* to the republic, they must expose themselves to the misfortune of being one day governed by magistrates more attached to riches, the source of their elevation, than to the glory of their fellow citizens.

By fixing the reader's attention on the principles which constitute an aristocracy, I shall be able to demonstrate how egregiously we have, in our recent troubles, misapplied the term of *aristocrate*; which neither agrees with the courtier, the soldier, or the ecclesiastic.

Let us not adopt this error; but distinguish ambition, and selfishness, defects too natural to men, from that propensity for dominion which characterizes the aristocrate.

True aristocracy can not exist but in bodies invested with public power. It is respectable, if its

\* The term aristocracy is improperly applied here: a government of this description is an oligarchy.

members are only the organs of the general will, and the defenders of the law : but it becomes a monster, if those members substitute their passions in the place of that will, and of that law : if they make them subservient to their lust of authority, or to their vengeance : if they sacrifice the interests of the citizens to the projects of despotism : or if, to aggrandize their own powers, they make themselves the accomplices of tyranny, at the risk of plunging the people into servitude. It is no longer an act of courage to attack those whose aristocracy formed a humiliating chain for the nation : let our wisdom preserve us from that which may rise out of its ruins ! We will not, however, obscure a prospect of future happiness by gloomy presentiments ; but, turning our attention from the scene before us, direct it to former times, and enquire whether democracy has been more favourable than aristocracy to the people of Greece.

Popular government never prevailed more fully than at Athens. That state had been, in its infancy, monarchical ; but became an aristocracy under the first archons : and Solon gave it afterwards the best democratical form \*. By his establishment, the supreme power was lodged in the assemblies,

\* The form of government, established by Solon at Athens, was certainly not a democracy, but that popular form which the Greeks termed *politeia*, and we call a state or a commonwealth.

where all the citizens had a right to assist, and where they determined on all the great concerns of the state,

Solon knew too well the genius of the Athenians, to believe them capable of introducing serious and wise discussion in these assemblies: he established a senate, composed of four hundred persons, taken from the four tribes, in which all the citizens of Attica were included. These four hundred were the representatives of the nation: it was to them all affairs were proposed, on which the people were to decide: they examined them with attention, and afterwards made a report to the general assembly. Thus one of the fundamental laws of the republic was, that all decisions of the people should be preceded by a decree of the senate.

To prevent that multitude of suffrages (which, from their restlessness, and the fluctuation of their ideas, may be compared to the waves agitated and borne along by every wind) from being hurried away into party violence or false opinions, by the impetuosity of young men, it was ordained that those who first gave their suffrages in any decision should be at least fifty years old.

Solon was not ignorant of the influence of words, and their dangerous effects, when not directed by an enlightened understanding and a virtuous mind. He submitted orators to a trial which might close the lips even of the most eloquent.—He ordered that

that no orator should intermeddle in public affairs, until his conduct had undergone an examination: and every citizen was permitted to prosecute, in the courts of justice, any orator who had found means to conceal the irregularity of his manners on this severe examination.

Here, as at Sparta, a citizen could not give a vote until he had attained the age of thirty.

When any affair was brought into the assembly, it was first decided, whether it should be taken into consideration or not; for the people had a right, absolutely and simply, to reject the decrees of the senate; or to confirm them, after examination. It was this that made a stranger say at Athens, *Here sages deliberate and fools decide.*

It is not sufficient to obtain just decrees from the multitude; the execution of them must be confided to good magistrates.

If the period of holding magisterial offices is limited, and the officers elected, how can we be sure of a good choice, while it depends on a multitude, who know neither how to distinguish merit, nor to defend themselves from seduction or intrigue; and who are not even sufficiently informed, to perceive that their welfare depends on the probity of those who govern them. It is necessary to place a curb on the ambition of ignorance; and, to break that equality, of which the people are so jealous; particularly in a democratic state.

become habituated to approve good decrees. Many of them, endowed with some talents, would have mounted the rostrum, and argued against decisions contrary to law and equity; and the magistrates, awed by the watchfulness of that body, their supreme judge, would have dreaded its censure, and all the decrees of the assembly would have borne the character of wisdom. Generals, who could only hope to be restored to command in consequence of their success, would have neglected nothing for extending their knowledge in the art of war. The public treasury would have been loaded with the spoils of the enemy, which would not have been converted into a source of pleasure, and a fund for the supply of idleness, while the people would have become less unjust, and less greedy of conquests.

The arts would have been consecrated only to immortalizing memorable actions; and the theatres would have been used for no purpose but exalting men's minds, by the representation of heroic actions, and the repetition of virtuous maxims.

The love of liberty becoming more energetic in every breast, Demosthenes need not have employed so many efforts for stopping the ambition of Philip; and the successors of Alexander would have found in Athens a power of resistance sufficient to maintain the constitution and liberty of its citizens.

The

The truth is, a popular government is, as has been already said, the most difficult of any to maintain ; and that difficulty increases in proportion to the extent which is acquired by the nation in which is established.

The more citizens there are in a democracy, the greater must be the number of poor, and ignorant men ; without manners and without principles. If, therefore, you submit the administration of justice, the management of the finances, and all the great concerns of the public, to a plurality of suffrages, without distinction ; and if the vote of a mercenary has the same weight with that of a senator ; how will you be sure of preventing injustice ; a waste of the public treasure ; and the adoption of rash projects ? How can the general will be collected in a great and populous state ? Or how shall wisdom, solemnity, and gravity be made to agree with the tumult, the clamour, and the impetuosity of an immense assembly ? If you divide the state into many republics, where the opinion of each tribe must be taken, you will only weaken the whole, without establishing unanimity among the parts.

Never present to the people a chimerical equality : though they are the original source of power, they are formed for obeying, not to be obeyed ; but they ought only to obey reason and equity. Establish therefore these two august powers in the empire ; fortify them with all your energy ; let all

authority bend before them ; and make them predominate over the monarch and the magistrate ; over the foldier and the citizen. The empire of a good conftitution is true liberty. The right of making the conftitution bend to the will of the magiftrates is dangerous ariftocracy. The ability of filencing it is defpotifm ; and the power of troubling and confounding it is anarchy.

We have feen the conftitution of Solon destroyed as foon as formed : let us examine whether his legiflation was well adapted to his plan of government.

The conftitution is the public edifice : the legiflation is the regimen of thofe who inhabit it. What avails it that you have given a beautiful habitation to a great family, if they find not there fecurity and peace ?

By the laws of Solon, all citizens, who received any wrong, could demand full reparation : but, to prevent calumny, the accufer was obliged to depofit a certain fum, which was forfeited to the accused, if the profecutor did not come forward to fubftantiate his charge. The indigent, the minor, the woman, and the flave, were under the protection of all the citizens, and every citizen was authorized to profecute their injurers, as if they were their own. Solon fupported this law with a fine maxim : *There would be no injuflice in a city (faid he) if all the citizens were as much difgusted with it, as thofe on whom it has been praftifed.*

Liberty

Liberty is, according to Solon, a possession of which a man can no more dispose than of his life. Thus he did not admit of personal security either for debt, or any account whatever. A similar law among us would perhaps be more beneficial than injurious even to commerce. The debtor, who refuses to pay what he owes, is either dishonest or unfortunate. If he is dishonest, punish him for his dishonesty; but if he is unfortunate, why add captivity to his other distresses. Do not those who lend speculate on the love of liberty?

If confidence is the soul of commerce, it will never be restored to life by the dread of a prison.

Let the name of the dishonest debtor be inscribed in the courts of justice, and in all public places. Let him be deprived of all honours, and of all municipal functions; and let him be forbidden to engage in commerce: but involve not his wife and family in the sentence, unless he has provoked the rigour of the law, by some notorious fraud. Least of all would I have the father of a family in fetters, and doomed to inhabit the abode of guilt, for not being able to pay for the milk that has sustained his infant. If he had been willing to forget the duties of a parent, and had cast the fruits of his marriage into the bosom of some public charity, he would have been free, because he had been unnatural.

Let the law grant to the nurse a right over the



property of the father ; but let her not be authorised to aggravate his indigence by depriving him of the power of working, to acquit the most sacred debt, and support his other children.

† Solon instituted one very wise law. An injured person may not be willing to deliver up the citizen against whom he has cause of complaint, to the utmost severity. In that case he made his complaint, in the character of a *simple individual*, and as such he could demand only reparation for the wrong he had experienced. But if, on the contrary, the accuser proceeded, *as a citizen*, the accusation was a public concern, and the accused party was prosecuted according to the full rigour of the law:

A similar distinction to that just mentioned, has been frequently desired in France, particularly in instances of domestic theft ; a child daring to lift a hand against the authors of its existence ; and the forcible violation of chastity ; by each of which capital punishment is incurred : and the injured party is either compelled to let the crime pass with impunity, or deliver the criminal to a punishment too severe.

In order to perpetuate families, Solon authorised adoption : but, that the adopted child might not be wholly torn from his natural parents, he was permitted to return to them, after having left a child in the family which had adopted him.

This wise legislator did not think it his duty to  
condemn

condemn a young wife to live all her days under the authority of a husband, who rendered himself odious by his ill-humour, his vices, or his bad treatment of her. He directed a means of breaking a chain which was become too irksome. But the wife could not obtain a divorce, until after she had in person presented her request of separation to the judges; who, if they approved her motives, set her free from the yoke.

A husband could not repudate his wife without returning her portion; or, if she did not bring him any, he was obliged to give her a pension for her support: and indeed it would not have been just to dismiss her from the arms of inconstancy poorer than she was received into them; for as she could no longer offer, to a new husband, the jewel which had increased the value of her person, she ought at least to carry to him the recompense of widowhood.

To prevent a citizen being reduced to live in idleness, or to lead a life of extreme misery, he was not permitted to sell the ground he cultivated; at least not unless he was constrained to it by absolute necessity.

This law, which appears at first view to be injurious to property, and to the free power of disposing of it, might produce very happy effects: it prevented the too great inequality of landed estates; and by keeping the poor employed in the cultivation

tion of their inheritances, it prevented their busying themselves in public affairs; where they seldom do any thing but prove their ignorance, and occasion tumult.

An Athenian, who had children, could not dispose of his property but in their favour. If he had no offspring, he might chuse an heir in any other family.

If one only daughter was left, the nearest relation had a right to marry her; and this right was so incontestable, that he could cause any previous marriage of such an heiress to be broken, when she came to the possession of her inheritance, if derived from a father who had died without male issue.

All our respect for the wisdom of Solon could never make us adopt a similar law. If there should be any thing free in life, it is the act of marriage. If a daughter ought never to be forced to give her hand in marriage against the inclination of her heart, she ought still less to be compelled to quit the bed of the husband she has chosen, and follow that nearest relation, who claims her only on account of the fortune she enjoys as an heiress.

Solon, in establishing this law, had so entirely in view the keeping of fortunes in the same families, that this victim of interest had a right to repudate her new husband, if she had not children; and to wed, in expectation of becoming a mother, the nearest relation of him who had disappointed her hopes.

Such

Such regulations, on whatever political principles they may be formed, are too unnatural to be lawful.

A much wiser law, particularly in a democracy, where each member, considered as belonging to one great family, is bound to assist the rest, was that which permitted an orphan, without fortune, to require her nearest relation either to marry her himself, or assign her a portion.

Solon willing to banish idleness from the republic, branded, with infamy, that industry which consists in living at the expence of the confidence, or labour of others.

The areopagus was charged with inquiring in what manner each individual provided for his subsistence.

If such a law subsisted among us, how many individuals, alarmed at that kind of inquisition, would chuse to avoid it by seeking elsewhere what they call liberty.

The legislator of Athens was desirous, above every thing, to make the moral virtues reign throughout his state. Public schools were opened there, and those preceptors whose virtue and respect for innocence had been fully proved, directed the studies of infancy. Solon, who had undoubtedly been shocked at observing the errors of human nature, and the irregularity of its propensities, in a country where pure love had been too frequently offended, armed himself with the utmost severity

severity against its vicious enemies : he condemned to death all strangers who introduced themselves into the asylums conserved to instruction, and to the silence of study.

Debauchery was punished in all the citizens with privation of titles, and exclusion from the priesthood and the magistracy.

An archon, who had dared to appear in public with the inignia of his dignity when in a state of intoxication, incurred the pain of death. This extreme severity, when it springs from a great regard for morality, has something in it that commands our reverence ; and we feel ourselves much disposed to honour Solon, when we observe him softening the punishments ordained by Dracon for private offences, and reserving his severity for those which mislead youth, or degrade the dignity of magistrates.

A son was bound to support in their old age those from whom he derived existence ; but if his mother was a courtizan, he owed no attention to her who had effaced the ties of blood by the shame of such an alliance.

The children of those who were killed with arms in their hands, were reared at the expence of the republic.

France was disposed to imitate this glorious example, but so much pride and so little attention to the  
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the future enters into her establishments, that the wisest of them totter under the weight of their own magnificence: abuses crept in to this intended asyllum for the sons of deceased heroes, even at its foundation; and that which was alone designed for the indigent brave, could be obtained only by intrigue and of favour. In short, when the establishments designed for the poor were destroyed, it was the rich only who sighed and were the sufferers.

According to the laws of Solon, the baseness which manifested itself, whether in refusing military service, or in any unworthy action, was punished not only with public contempt, but a public accusation.

The citizen who deprived the republic of a member by suicide, was, before interment, deprived of hands, as if they, from being accessory to the murder, deserved to be disgraced by a separation from the body.

We have now seen enough to shew us on what principles the legislation of Solon was formed. This legislation could not subsist, in all its purity, any farther than his plan of government could sustain it; for they were designed to lend reciprocal support. When once the constitution underwent any change, the civil laws must change of course. According to those of Solon, Alcibiades could not  
have

have shewn himself continually, covered with myrtles and laurels: Aspasia could not have engaged by the charms of her wit, and the attractions of her person, the homage of so many adorers. The Athenians would have displayed less imagination and talents: but they would, by a conduct more steady, and enlightened by reason, have preserved themselves from the misfortune of shining in the world during three ages, and being afterwards hurried into opprobrium and servitude.

I might, before I quitted the Greeks, have run over different democracies, such as that of Syracuse, which caused so many misfortunes to the Athenians, and perished by the same cause. But it would be only employing more time on establishing the truth of a known maxim: that the too great authority of the people destroys the government which seems the most proper to make them happy: and that they must, to secure that happiness, have the magnanimity to sacrifice one part of their rights to preserve the other.

“ The audacity and the licentiousness of popular assemblies (says Cicero) have lost the republics of Greece.”

The name of this orator reminds me that, in treating the subject I am now engaged in, I ought to introduce what he has left us on the right, the government, and the law of nature. But before I shew

shew myself enriched with his ideas, I must consider, for a moment, the constitution of Rome, that sovereign of the world; which, began with the monarchical form; passed to aristocracy; was bewildered by popular government; and has been lost in the abyfs of despotism.



## C H A P. III.

OF THE ROMAN CONSTITUTION; AND OF THE  
OPINION OF CICERO ON THE ROMAN LAWS  
AND AUGURS.

**C**ONFINING myself to the immediate subject of my work, I shall extract from the history of the Roman empire, such facts only as will tend to confirm the truths I have insisted on in the preceding chapters.

This people so jealous of their liberty, began their career under a monarchical government. Tarquin took the crown, for he did not receive it either from the senate or the people. Under him the regal power became hereditary; and he rendered it absolute.

His son Sextus would have continued on the throne; and would, like his father, have transmitted his power to his heir, if he had not awaked the people to a sense of their slavery, by the most provoking abuse of his authority.

“ The people (says Montesquieu) will suffer  
“ new taxes to be levied on them, because they  
“ know not whether they may not receive some  
“ benefit

“ benefit from the objects upon which the money  
“ to raised may be expended : but when any af-  
“ front is offered them, they become sensible of  
“ nothing but their misfortunes ; and they include,  
“ with those they really endure, the idea of all the  
“ evils which can possibly be endured.”

To this reflection, the result of profound sagacity, we shall beg leave to add another : it is, that if tyranny is the rock of monarchy, the indignation of the people is the rock of despotism.

A true history of the fate of monarchs, would present to their successors an impressive lesson ; by shewing them the shameful or tragic ends of all bad kings. They would there behold some tyrants doing justice on themselves, and transforming their palaces into inaccessible prisons ; others expelled from their states, and struggling in vain against a revolted people : some humbling themselves to implore mercy from those to whom they had refused justice : and many deprived of their liberty ; and not even enjoying, in their degradation, the independence of exile.

If Tarquin had been aware that not even kings are exempt from punishment, he would not have exposed himself to the necessity of demanding succour from a foreign prince, who, in triumphing over the Romans, could not have triumphed over their hatred of the tyrant.

“ Rome (continues Montesquieu) had only  
“ these

“ these alternatives : she must either change her government ; or remain a poor and insignificant monarchy.” It is not, however, easy to conceive why Rome did not become, under a succession of warlike kings, what she was under her consuls : and under generals whose command expired frequently before the end of the campaign.

After the expulsion of their kings, an aristocracy was formed among the Romans, by the two orders of senators and knights : and these it was who alternately, and in a body, directed the republic. The people had shaken off the yoke of regal tyranny, but they were soon submitted to that of a tyrannical aristocracy. They were bowed to obedience by their fear of beholding the tyrant, whom they had chased, return within their walls ; and, blinded by that fear, they only saw in their senators the protectors of that liberty with the name of which they were so enamoured ; and in their generals, but the benefactors who filled the public coffers with the plunder of the enemy.

The people received, with respect, the decrees issued by the senate, because they had an appearance of equity ; but they had still no idea of that which characterizes law : they knew not how to discriminate the powers which should concur to create, to sanction, and to execute it. But to have possessed that art, they must have been as well acquainted with public right, and with legislation, as were the people of Greece.

The

The agitation of war, in which the people of Rome were, with so much address, continually held, allowed them no leisure to think of any thing but conquests and spoils: the republic, therefore, remained for a long time in the grossest ignorance, and its chiefs were only eminent for that austere virtue, that rigid equity, which are the characteristics and support of an aristocratic government.

If the too ferocious pride of these chiefs had not sometimes urged the brave citizens to rebel against their power: if their too arbitrary decisions had not irritated them: and if it had always been evident that the senators, in reserving to themselves all the great employments, and the honour of triumphs, had no object in view but to increase the glory of the republic, and maintain the empire of justice, perhaps the plebeians would not have aspired to a share in the sovereignty.

“ As the people perceived (says Montesquieu)  
“ that they did not possess that liberty which they  
“ were taught to love with so much ardour, they  
“ sought to debase the consular dignity; to esta-  
“ blish plebeian magistrates; and to participate  
“ with the patrician order in all the great offices  
“ of the magistracy.

“ The patricians were obliged to grant them all  
“ they demanded; for in a city where poverty was  
“ considered as public virtue, birth and dignities  
“ could give no great advantage: power must, of

“ consequence, return to the most numerous body,  
“ and the aristocracy change, by degrees, into a  
“ popular state.”

The Roman constitution was always imperfect, both under aristocracy and democracy. A proof of it is, that in their chief assemblies the will of the patricians, and of the knights who formed the first centuries, prevailed over that of the assembled people; so that the governing power was not an aristocracy, but a despotism of the patricians and knights.

As soon as tribunes were chosen from the plebeian order, the people assumed the same dictation over their late masters, as those had hitherto exercised over them. They passed the laws which were called *plebiscites*, without the concurrence of the consuls and senators, but which they were forced to obey. Thus under the first government, the will of the people had no influence, under the second it carried every thing before it.

There happened, under the Roman aristocracy the same thing that happened under the tyranny of their kings:—The decemviri were invested with immense authority. All magistracy stood suspended before them. The republic was determined to have laws, and commenced by surrendering all her powers to these legislators.

It must undoubtedly have been a very commanding spectacle, to behold a whole warlike nation  
doing

doing homage, and seeming to say to their fellow citizens, "What you command, we command : " what you declare to be just, we will execute : " we at this moment abdicate all sovereignty before you ; and we will resume no more than you " shall grant to us." It is probable if the decemviri had rendered themselves worthy of this unlimited power ; of this honourable confidence ; they might, for a long time, have governed the republic ; and their authority, supported by good laws, would have reconducted the people to the dominion of an absolute sovereign.

The same crime which lost Tarquin his power, deprived the Decemviri of theirs. The people recovered their liberty in both instances, by acts of that kind of violence which is never pardoned in society : for societies being composed of husbands and fathers, cannot endure any injury common to all their members.

Nothing has so immediate or so strong an effect on the multitude, as a spectacle of injustice, placed directly before their view. The sight of the bleeding body of Lucretia made the Romans hold royalty in abhorrence. A debtor shewing himself to the people covered with wounds, produced a change in the form of the republic. The death of Virginia put an end to the Decemvirate. The robe of Cæsar stained with blood, made the multitude shed tears over his corse ; and the very people, whose liberty

severity against its vicious enemies : he condemned to death all strangers who introduced themselves into the asylums conserved to instruction, and to the silence of study.

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We have now seen enough to shew us on what principles the legislation of Solon was formed. This legislation could not subsist, in all its purity, any farther than his plan of government could sustain it; for they were designed to lend reciprocal support. When once the constitution underwent any change, the civil laws must change of course. According to those of Solon, Alcibiades could not  
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have shewn himself continually, covered with myrtles and laurels : Aspasia could not have engaged by the charms of her wit, and the attractions of her person, the homage of so many adorers. The Athenians would have displayed less imagination and talents : but they would, by a conduct more steady, and enlightened by reason, have preserved themselves from the misfortune of shining in the world during three ages, and being afterwards hurried into opprobrium and servitude.

I might, before I quitted the Greeks, have run over different democracies, such as that of Syracuse, which caused so many misfortunes to the Athenians, and perished by the same cause. But it would be only employing more time on establishing the truth of a known maxim : that the too great authority of the people destroys the government which seems the most proper to make them happy : and that they must, to secure that happiness, have the magnanimity to sacrifice one part of their rights to preserve the other.

“ The audacity and the licentiousness of popular assemblies (says Cicero) have lost the republics of Greece.”

The name of this orator reminds me that, in treating the subject I am now engaged in, I ought to introduce what he has left us on the right, the government, and the law of nature. But before I  
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shew myself enriched with his ideas, I must consider, for a moment, the constitution of Rome, that sovereign of the world; which, began with the monarchical form; passed to aristocracy; was bewildered by popular government; and has been lost in the abyss of despotism.

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His son Sextus would have continued on the throne; and would, like his father, have transmitted his power to his heir, if he had not awaked the people to a sense of their slavery, by the most provoking abuse of his authority.

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To this reflection, the result of profound sagacity, we shall beg leave to add another : it is, that if tyranny is the rock of monarchy, the indignation of the people is the rock of despotism.

A true history of the fate of monarchs, would present to their successors an impressive lesson ; by shewing them the shameful or tragic ends of all bad kings. They would there behold some tyrants doing justice on themselves, and transforming their palaces into inaccessible prisons ; others expelled from their states, and struggling in vain against a revolted people : some humbling themselves to implore mercy from those to whom they had refused justice : and many deprived of their liberty ; and not even enjoying, in their degradation, the independence of exile.

If Tarquin had been aware that not even kings are exempt from punishment, he would not have exposed himself to the necessity of demanding succour from a foreign prince, who, in triumphing over the Romans, could not have triumphed over their hatred of the tyrant.

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become habituated to approve good decrees. Many of them, endowed with some talents, would have mounted the rostrum, and argued against decisions contrary to law and equity; and the magistrates, awed by the watchfulness of that body, their supreme judge, would have dreaded its censure, and all the decrees of the assembly would have borne the character of wisdom. Generals, who could only hope to be restored to command in consequence of their success, would have neglected nothing for extending their knowledge in the art of war. The public treasury would have been loaded with the spoils of the enemy, which would not have been converted into a source of pleasure, and a fund for the supply of idleness, while the people would have become less unjust, and less greedy of conquests.

The arts would have been consecrated only to immortalizing memorable actions; and the theatres would have been used for no purpose but exalting men's minds, by the representation of heroic actions, and the repetition of virtuous maxims.

The love of liberty becoming more energetic in every breast, Demosthenes need not have employed so many efforts for stopping the ambition of Philip; and the successors of Alexander would have found in Athens a power of resistance sufficient to maintain the constitution and liberty of its citizens.

The

The truth is, a popular government is, as has been already said, the most difficult of any to maintain ; and that difficulty increases in proportion to the extent which is acquired by the nation in which is established.

The more citizens there are in a democracy, the greater must be the number of poor, and ignorant men ; without manners and without principles. If, therefore, you submit the administration of justice, the management of the finances, and all the great concerns of the public, to a plurality of suffrages, without distinction ; and if the vote of a mercenary has the same weight with that of a senator ; how will you be sure of preventing injustice ; a waste of the public treasure ; and the adoption of rash projects ? How can the general will be collected in a great and populous state ? Or how shall wisdom, solemnity, and gravity be made to agree with the tumult, the clamour, and the impetuosity of an immense assembly ? If you divide the state into many republics, where the opinion of each tribe must be taken, you will only weaken the whole, without establishing unanimity among the parts.

Never present to the people a chimerical equality : though they are the original source of power, they are formed for obeying, not to be obeyed ; but they ought only to obey reason and equity. Establish therefore these two august powers in the empire ; fortify them with all your energy ; let all

authority bend before them ; and make them predominate over the monarch and the magistrate ; over the foldier and the citizen. The empire of a good constitution is true liberty. The right of making the constitution bend to the will of the magistrates is dangerous aristocracy. The ability of silencing it is despotism ; and the power of troubling and confounding it is anarchy.

We have seen the constitution of Solon destroyed as soon as formed : let us examine whether his legislation was well adapted to his plan of government.

The constitution is the public edifice : the legislation is the regimen of those who inhabit it. What avails it that you have given a beautiful habitation to a great family, if they find not there security and peace ?

By the laws of Solon, all citizens, who received any wrong, could demand full reparation : but, to prevent calumny, the accuser was obliged to deposit a certain sum, which was forfeited to the accused, if the prosecutor did not come forward to substantiate his charge. The indigent, the minor, the woman, and the slave, were under the protection of all the citizens, and every citizen was authorized to prosecute their injurers, as if they were their own. Solon supported this law with a fine maxim : *There would be no injustice in a city (said he) if all the citizens were as much disgusted with it, as those on whom it has been practised.*

Liberty

Liberty is, according to Solon, a possession of which a man can no more dispose than of his life. Thus he did not admit of personal security either for debt, or any account whatever. A similar law among us would perhaps be more beneficial than injurious even to commerce. The debtor, who refuses to pay what he owes, is either dishonest or unfortunate. If he is dishonest, punish him for his dishonesty; but if he is unfortunate, why add captivity to his other distresses. Do not those who lend speculate on the love of liberty?

If confidence is the soul of commerce, it will never be restored to life by the dread of a prison.

Let the name of the dishonest debtor be inscribed in the courts of justice, and in all public places. Let him be deprived of all honours, and of all municipal functions; and let him be forbidden to engage in commerce: but involve not his wife and family in the sentence, unless he has provoked the rigour of the law, by some notorious fraud. Least of all would I have the father of a family in fetters, and doomed to inhabit the abode of guilt, for not being able to pay for the milk that has sustained his infant. If he had been willing to forget the duties of a parent, and had cast the fruits of his marriage into the bosom of some public charity, he would have been free, because he had been unnatural.

Let the law grant to the nurse a right over the



property of the father ; but let her not be authorised to aggravate his indigence by depriving him of the power of working, to acquit the most sacred debt, and support his other children.

† Solon instituted one very wise law. An injured person may not be willing to deliver up the citizen against whom he has cause of complaint, to the utmost severity. In that case he made his complaint, in the character of a *simple individual*, and as such he could demand only reparation for the wrong he had experienced. But if, on the contrary, the accuser proceeded, *as a citizen*, the accusation was a public concern, and the accused party was prosecuted according to the full rigour of the law.

A similar distinction to that just mentioned, has been frequently desired in France, particularly in instances of domestic theft ; a child daring to lift a hand against the authors of its existence ; and the forcible violation of chastity ; by each of which capital punishment is incurred : and the injured party is either compelled to let the crime pass with impunity, or deliver the criminal to a punishment too severe.

In order to perpetuate families, Solon authorised adoption : but, that the adopted child might not be wholly torn from his natural parents, he was permitted to return to them, after having left a child in the family which had adopted him.

This wise legislator did not think it his duty to  
condemn

condemn a young wife to live all her days under the authority of a husband, who rendered himself odious by his ill-humour, his vices, or his bad treatment of her. He directed a means of breaking a chain which was become too irksome. But the wife could not obtain a divorce, until after she had in person presented her request of separation to the judges; who, if they approved her motives, set her free from the yoke.

A husband could not repudate his wife without returning her portion; or, if she did not bring him any, he was obliged to give her a pension for her support: and indeed it would not have been just to dismiss her from the arms of inconstancy poorer than she was received into them; for as she could no longer offer, to a new husband, the jewel which had increased the value of her person, she ought at least to carry to him the recompense of widowhood.

To prevent a citizen being reduced to live in idleness, or to lead a life of extreme misery, he was not permitted to sell the ground he cultivated; at least not unless he was constrained to it by absolute necessity.

This law, which appears at first view to be injurious to property, and to the free power of disposing of it, might produce very happy effects: it prevented the too great inequality of landed estates; and by keeping the poor employed in the cultivation

tion of their inheritances, it prevented their busy-ing themselves in public affairs; where they seldom do any thing but prove their ignorance, and occasion tumult.

AN Athenian, who had children, could not dispose of his property but in their favour. If he had no offspring, he might chuse an heir in any other family.

If one only daughter was left, the nearest relation had a right to marry her; and this right was so incontestable, that he could cause any previous marriage of such an heiress to be broken, when she came to the possession of her inheritance, if derived from a father who had died without male issue.

All our respect for the wisdom of Solon could never make us adopt a similar law. If there should be any thing free in life, it is the act of marriage. If a daughter ought never to be forced to give her hand in marriage against the inclination of her heart, she ought still less to be compelled to quit the bed of the husband she has chosen, and follow that nearest relation, who claims her only on account of the fortune she enjoys as an heiress.

Solon, in establishing this law, had so entirely in view the keeping of fortunes in the same families, that this victim of interest had a right to repudate her new husband, if she had not children; and to wed, in expectation of becoming a mother, the nearest relation of him who had disappointed her hopes.

Such

Such regulations, on whatever political principles they may be formed, are too unnatural to be lawful.

A much wiser law, particularly in a democracy, where each member, considered as belonging to one great family, is bound to assist the rest, was that which permitted an orphan, without fortune, to require her nearest relation either to marry her himself, or assign her a portion.

Solon willing to banish idleness from the republic, branded, with infamy, that industry which consists in living at the expence of the confidence, or labour of others.

The areopagus was charged with inquiring in what manner each individual provided for his subsistence.

If such a law subsisted among us, how many individuals, alarmed at that kind of inquisition, would chuse to avoid it by seeking elsewhere what they call liberty.

The legislator of Athens was desirous, above every thing, to make the moral virtues reign throughout his state. Public schools were opened there, and those preceptors whose virtue and respect for innocence had been fully proved, directed the studies of infancy. Solon, who had undoubtedly been shocked at observing the errors of human nature, and the irregularity of its propensities, in a country where pure love had been too frequently offended, armed himself with the utmost severity

severity against its vicious enemies : he condemned to death all strangers who introduced themselves into the asylums conserved to instruction, and to the silence of study.

Debauchery was punished in all the citizens with privation of titles, and exclusion from the priesthood and the magistracy.

An archon, who had dared to appear in public with the insignia of his dignity when in a state of intoxication, incurred the pain of death. This extreme severity, when it springs from a great regard for morality, has something in it that commands our reverence ; and we feel ourselves much disposed to honour Solon, when we observe him softening the punishments ordained by Dracon for private offences, and reserving his severity for those which mislead youth, or degrade the dignity of magistrates.

A son was bound to support in their old age those from whom he derived existence ; but if his mother was a courtizan, he owed no attention to her who had effaced the ties of blood by the shame of such an alliance.

The children of those who were killed with arms in their hands, were reared at the expence of the republic.

France was disposed to imitate this glorious example, but so much pride and so little attention to  
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the future enters into her establishments, that the wisest of them totter under the weight of their own magnificence: abuses crept in to this intended asylum for the sons of deceased heroes, even at its foundation; and that which was alone designed for the indigent brave, could be obtained only by intrigue and of favour. In short, when the establishments designed for the poor were destroyed, it was the rich only who sighed and were the sufferers.

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Before a collective mass of knowledge spreads over the mind, and illuminates it by the action of all its parts, how many beams of truth will be thrown off singly from the focus of reason : beams which will shine for a moment, and then be either lost in the night of ignorance, or dispersed by striking on our resisting habits.

All those persons who might have been able to explain to men what are their true rights, and what is due to them from society, have written, or spoken at some distance of time from each other. They were without authority, and had no mission but that which reason gives to all wise men for speaking truth : and the multitude had but little opportunity of attending to them. Socrates, Plato, and Pythagoras, revealed their thoughts to those disciples only, whose discretion they had proved : and Cicero never dared to deliver in his orations from the rostrum, what he wrote on the subject of the laws, the gods, and the republic of Rome.

Printing has indeed supplied the place of the organs of speech, in the dispersion of thoughts ; but this wonderful art did not perform its prodigies, until a long time after prejudices and the ascendancy of power had raised a formidable rampart against all spirit of innovation. Ambition, interest, and injustice were not backward to avail themselves  
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“ these alternatives : she must either change her government ; or remain a poor and insignificant monarchy.” It is not, however, easy to conceive why Rome did not become, under a succession of warlike kings, what she was under her consuls : and under generals whose command expired frequently before the end of the campaign.

After the expulsion of their kings, an aristocracy was formed among the Romans, by the two orders of senators and knights : and these it was who alternately, and in a body, directed the republic. The people had shaken off the yoke of regal tyranny, but they were soon submitted to that of a tyrannical aristocracy. They were bowed to obedience by their fear of beholding the tyrant, whom they had chased, return within their walls ; and, blinded by that fear, they only saw in their senators the protectors of that liberty with the name of which they were so enamoured ; and in their generals, but the benefactors who filled the public coffers with the plunder of the enemy.

The people received, with respect, the decrees issued by the senate, because they had an appearance of equity ; but they had still no idea of that which characterizes law : they knew not how to discriminate the powers which should concur to create, to sanction, and to execute it. But to have possessed that art, they must have been as well acquainted with public right, and with legislation, as were the people of Greece.

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doing homage, and seeming to say to their fellow citizens, "What you command, we command : " what you declare to be just, we will execute : " we at this moment abdicate all sovereignty before you ; and we will resume no more than you " shall grant to us." It is probable if the decemviri had rendered themselves worthy of this unlimited power ; of this honourable confidence ; they might, for a long time, have governed the republic ; and their authority, supported by good laws, would have reconducted the people to the dominion of an absolute sovereign.

The same crime which lost Tarquin his power, deprived the Decemviri of theirs. The people recovered their liberty in both instances, by acts of that kind of violence which is never pardoned in society : for societies being composed of husbands and fathers, cannot endure any injury common to all their members.

Nothing has so immediate or so strong an effect on the multitude, as a spectacle of injustice, placed directly before their view. The sight of the bleeding body of Lucrecia made the Romans hold royalty in abhorrence. A debtor shewing himself to the people covered with wounds, produced a change in the form of the republic. The death of Virginia put an end to the Decemvirate. The robe of Cæsar stained with blood, made the multitude shed tears over his corpse ; and the very people, whose liberty

“ consequence, return to the most numerous body,  
“ and the aristocracy change, by degrees, into a  
“ popular state.”

The Roman constitution was always imperfect, both under aristocracy and democracy. A proof of it is, that in their chief assemblies the will of the patricians, and of the knights who formed the first centuries, prevailed over that of the assembled people; so that the governing power was not an aristocracy, but a despotism of the patricians and knights.

As soon as tribunes were chosen from the plebeian order, the people assumed the same dictation over their late masters, as those had hitherto exercised over them. They passed the laws which were called *plebiscites*, without the concurrence of the consuls and senators, but which they were forced to obey. Thus under the first government, the will of the people had no influence, under the second it carried every thing before it.

There happened, under the Roman aristocracy the same thing that happened under the tyranny of their kings:—The decemviri were invested with immense authority. All magistracy stood suspended before them. The republic was determined to have laws, and commenced by surrendering all her powers to these legislators.

It must undoubtedly have been a very commanding spectacle, to behold a whole warlike nation  
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was restored to them by the event, lamented the fate of the tyrant by whom they had been despoiled of it.

If one of the victims of despotism, after having worked his way out of some subterraneous cell, had crawled with his chains into the middle of some of our public places, and there cried out in a mournful voice, " I have sighed during thirty  
" years in a dungeon for having alarmed a famous  
" courtezan ; and for reproaching with bitterness,  
" one of your magistrates for his cruelty," perhaps the indignation of the multitude had accelerated the destruction of those menacing towers which were become the terror of all France.

Injustice has in all countries, and with all people, a limit which should never be exceeded by those who wish to perpetuate its reign : but, fortunately for mankind, they, as blind in their hatred as their vengeance, betray her to destruction ; and the people who have long groaned under her scourge, sacrifice her to their just fury.

The Romans, formed to govern the universe, could never be their own governors : they passed alternately from servile obedience to arbitrary authority. Slaves under their dictators ; audacious under their tribunes ; they granted too much power to one, and had not even the courage to defend the others. The Gracchi fell victims to their love of the people : that people who successively served

served Marius and Sylla in their horrid subscriptions. The father of his country was sacrificed by the base Anthony, who received the head of his enemy without any citizen daring to strike off his. Sometimes this people, while inflaved, made their emperors tremble, and sometimes trembled themselves under their power.

The Roman constitution was adapted entirely to war; victory was its fundamental support; and when Rome had no more enemies to vanquish, she fell into decay. She was destined to perish under her triumphs or her defeats.

If a good aristocracy had been established in Rome, her senate would have possessed sufficient power to restrain her generals, and detach them from the army.

If there had been a good democracy, Rome would have had no dictator; and Sylla would never have prepared the way for her subjugation, by striking out to his successors the rout of despotism. The people too, more jealous of the privileges annexed to the character of citizen, would not have received into the bosom of their city, that multitude of strangers who brought with them their vices and their barbarisms; and who were always ready to sell themselves to those who wished to arm them with poniards for the purpose of assassination.

In the glorious ages of the republic, when Rome



included none but real Romans; the people revenged with dignity the pride of the patricians: they retired to the sacred mount, and left these sovereigns without subjects: they refused to go to the war: they annulled, in their comitia, the decrees of the senate: and rising at once above all superstition, they remained assembled in spite of the vain threats of augurs and auspices. This was the generous struggle of liberty against true tyranny. But when strangers were admitted, without distinction, to the honour of styling themselves Roman citizens, the people became base and ferocious in their resistance; and their loyalty became corrupted, like the streams from a pure fountain when mingled with muddy waters.

The specious system of incorporating with any people, the nations whom they have vanquished, in order to strengthen them for making other conquests, is dangerous, particularly in popular governments. It is not sufficient to give to a stranger the title of citizen, you must do more, you must communicate to him the sentiments of a citizen; and those sentiments are not to be inspired at will: they must emanate from, they must be increased, they must be strengthened to maturity by our attachments, by our connections, and by the benefits we receive from the city that has adopted us.

At every revolution of government in an empire, new laws become necessary. If those of  
Numa

Numa were good while the monarchy continued, they lost their value under the domination of the senate. If those of the senate were good during the time in which the senate governed the republic, they ceased to be so when the people resumed the absolute authority. And in fine, the decrees of the people could be only injurious under the reign of the emperors.

In remarking this as the true cause of the continual agitations of the Roman republic, and of its final destruction, I do not mean to refute the author of *The History of the Rise and Fall of the Roman empire*. For although it results from my system, that one single cause,—the want of an established constitution, wisely adapted to the nature of each different government, was sufficient to bring on the ruin of Rome, it does not follow that other causes did not contribute to its elevation and debasement.

I will dwell no longer on this republic, which has yielded to the fate of all empires. I may render a greater service to society by confining myself to the opinion of the first of all the Roman orators on the origin of the laws of his country.

So many barbarous institutions, so many unjust regulations, have existed in the states which arose out of the ruins of Rome, only because the science of public law has been too long misunderstood or neglected. The construction of the state was begun;

the rules and proportions were afterwards in vain considered ; and when the edifice was finished, these critics took upon them to assert, that both rules and proportions were superfluous, nay, even dangerous ; for men must, of necessity, pretend that work to be well done which they are not disposed to begin a fresh.

In vain may the philosopher say, “ Governments ought to be instituted for the good of the greater number, but they are advantageous to some private individuals only ; therefore governments contradict the end of their institution.” If he had added, “ Rules are established which compel those who work for hire to labour for the state, because the state cannot subsist without their services ; and yet the state does less for them, than for those who render her no service ; therefore the rules are unjust :” these principles and these deductions could not have been contested, and the philosopher would have received no answer. Government has been so instituted, and its regulations executed under this form, from the earliest ages : and too many powerful persons are interested in the continuance of this inconsistency and injustice to admit of any reformation.

Human felicity depends as much on the government as on the climate a man happens to be born under. No less happy are those who first behold the  
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Printing has indeed supplied the place of the organs of speech, in the dispersion of thoughts ; but this wonderful art did not perform its prodigies, until a long time after prejudices and the ascendancy of power had raised a formidable rampart against all spirit of innovation. Ambition, interest, and injustice were not backward to avail themselves  
of

of the same means, employed by reason, to oppose them; and before ignorance could understand the characters traced on paper, the press had sent forth as many falsehoods as truths into the world.

If governments founded academies and authorised professors to deliver lectures on the laws, on sovereignty, and on the interests of princes, it was on condition of their confining themselves to the existing laws; the sense of which they were to develop, and make them always respected. These orators were allowed to be prolix, diffuse, and obscure, provided they attacked not the edifice of legislation, and attempted not to prepare their auditors to adopt a new one.

Thus, those who might have been able to diffuse instruction, contributed only to increase error; and the men, who should have elevated the minds of their hearers, bound them more strongly under the yoke of their ancient institutions. Their science did not aim to teach what ought to be done for the general good of all, but what powerful men had established for their own private advantage.

Released from these fatal shackles, we traced things up to their first principle; and that we might the more readily discover that principle, we took natural right to direct us in the search, as its laws have preceded all human institutions.

“ Man (says Cicero in his work, which we improperly call his *Offices*) cannot have been placed on  
“ earth

“ earth for the same end as animals. Reason and  
“ understanding, from whence results the know-  
“ ledge of good and evil, belong not to his physi-  
“ cal nature ; which tends only to preserve himself  
“ and his offspring, and to multiply his species :  
“ they pertain to something of a more elevated  
“ kind.

“ All the duties of man arise from a knowledge  
“ of justice and injustice, and the common utility  
“ of society ; to which man is instinctively led  
“ by nature.

“ It was by searching after truth that man was  
“ first conducted to a knowledge of his duties, and  
“ the reconciling and performance of them form  
“ morality.

“ Society owes its origin to property ; because  
“ men judged that they could not singly preserve  
“ that property, which was exposed to the attacks  
“ and violence of others. The preservation of  
“ himself is also one of the causes of society ; for  
“ the persons of men, when unassociated, are li-  
“ able to be attacked.

“ The necessity of being preserved, and of pre-  
“ serving his property, suggested to men, that this  
“ object could not be accomplished but by their  
“ obliging themselves not to attack others, either in  
“ their property or persons ; and that they could  
“ not require the protection of society, but by sub-  
“ mitting themselves to contribute to repel the at-  
“ tacks

“ tacks which should be made on the members of  
 “ that society.

“ It is in this combination of duties, and this ex-  
 “ change of succours that justice consists.

“ Justice is the foundation and support of all  
 “ human society.

“ In all societies common utility is the basis of  
 “ all principles.

“ Injustice consists in attacking the person or  
 “ property of another ; and in not defending that  
 “ which is attacked.

“ Society is a tacit convention: it is dic-  
 “ tated by nature, as a happier state for man, to  
 “ whose welfare and tranquillity it tends without  
 “ intermission.

“ Injustice brings on the destruction of society.  
 “ Thus the happiest and best secured society must  
 “ be that where there is the greatest equality, be-  
 “ cause there injustice has the fewest temptations  
 “ to attack either persons or property.

“ Fidelity in keeping our word is a law of na-  
 “ ture ; it is the foundation of justice.

“ A man cannot exact a promise from another,  
 “ without acknowledging himself obliged to per-  
 “ form his own. The carefully keeping and un-  
 “ derstanding this reciprocal obligation is the ori-  
 “ gin of fidelity.”

It is indeed such thoughts as these which tempt  
 us to say, *this is fine and pure as antiquity.*

“ The

“ The love of our country, according to this  
“ grand political system, triumphs over all other  
“ obligations. The preservation of society is more  
“ dear than the preservation of a family.

“ By the natural law of all societies, our duty to  
“ our country stands before our duty to our rela-  
“ tions.”

True as these maxims may be, they originate in a principle very different from that which gives rise to other social virtues. It is not nature that inspires them, but a sublime reflection on the importance of society. Many ages must have rolled away, before man could perceive that he had but one country; and what claims that country had upon him.

According to Cicero, “ all the duties of society,  
“ all the laws, all the morality must consist in the  
“ wise and the useful: and the distinction which  
“ men make between wisdom and utility, occasions  
“ all the crimes of man against man, and of nation  
“ against nation. It leads to the usurpation of  
“ power, and to tyranny towards the republic.

“ Wisdom and utility are the essence of natural  
“ right: and the right of men, and civil right,  
“ which are derived from natural right, must be  
“ founded on the same principles.

“ Society, which is the state most conformable  
“ to nature, becomes annihilated, if any thing is  
“ preferred to justice, upon which it is founded.”

From



“ ought only to redress the wrong, and leave the  
 “ culprit to repent.

“ The vengeance of the laws has the same end  
 “ towards individuals and towards other states; from  
 “ whence it evidently results, that the laws of war  
 “ can never be reduced into any system. but one  
 “ purely defensive. If it was offensive, justice would  
 “ be violated, as well as the laws which she esta-  
 “ blishes equally between society and society, as  
 “ between one member of society and another.”

Who could have believed that such a maxim would have sprung from the mind of a Roman, of a consul of that republic, which was almost continually making offensive wars? But so true it is, that reason exalts us above all national opinions: and that philosophy makes the whole world our country; justice our first law; and virtue our great impulsive principle.

“ The laws of war (proceeds Cicero) are found-  
 “ ed on the natural right of avenging injuries, of  
 “ repelling violence, and of terminating quarrels  
 “ by force. Reason is given to man for the guide  
 “ of his actions; therefore he must only recur to  
 “ force when reason and the discussion of his rights  
 “ are insufficient.

“ When men, in a social state, are obliged to  
 “ make war, their only object should be to assure  
 “ the repose of the state, and to cover it from in-  
 “ sults. When that end is accomplished, the war  
 “ should

“ should cease. Therefore peace cannot be refused  
“ to an enemy, even when the breach is made.

“ After a victory, no cruelty must be exercised  
“ towards the vanquished, if attention is shewn to  
“ what the laws of war require : and the conquer-  
“ ors cannot refuse to protect the conquered by the  
“ force of arms.

“ Treaties made with an enemy must be scru-  
“ pulously observed, and with good faith ; that is,  
“ *according to the intent and principle of the convention,*  
“ *and not according to the literal expression.*”

This maxim, so true in politics, is not sufficient-  
ly respected, I do not mean by the barbarous states,  
but by the powers of Europe. M. de Mably re-  
ports a proof of it in his treatise on the law of na-  
tions.

“ In 1733 (says he) the court of France sent  
“ some battallions to the relief of Dantzick, where  
“ Stainslaws was besieged by the Russian army,  
“ and this weak body of troops was obliged to ca-  
“ pitulate. The commanding officer contented  
“ himself unfortunately with stipulating, *that they*  
“ *should be conducted to some port in the Baltic sea.*

“ The intention of the commander was, that  
“ they should be set at liberty, and he expected to  
“ have them transported to some neutral port ; but  
“ Count Munik sent them to Petersbourg, where  
“ they were treated as prisoners of war ; and it was  
“ alleged by the Count that the agreement was

“ fulfilled, as they were conducted to a port of the  
 “ Baltic. And (continues M. de Mably) regard-  
 “ ing the letter of a treaty as more decisive than  
 “ the evident intention, the French officer was  
 “ accused of carelessness or ignorance ; and it was  
 “ barely said that the Russian general had not been  
 “ generous in taking such an advantage, without  
 “ his being accused of infidelity.”

But to return to Cicero :

“ The abuse (says he) which is sometimes made  
 “ of the words and expressions of a treaty, when  
 “ they are contradictory to the intention with  
 “ which it was made, is a perfidy like that which  
 “ a certain general committed, who, having made  
 “ a truce for *thirty days*, ravaged the country every  
 “ night.”

Cicero takes occasion here to extol the strict principles of his republic, by relating the decision of the censors, who degraded ten soldiers, prisoners in the camp of Hannibal, because, being suffered to go out on their promise of returning, they had broken their parole.

Cicero, in vaunting of the good faith of his country in its treaties, shews himself more of a Roman than a philosopher, for their good faith had retired with their virtues.

Regulus, returning voluntarily to Carthage, to suffer a dreadful death, proved how much the promise he had given of returning thither, if he could

not.

not bring his fellow citizens to a peace, predominated over every thing. But this was rather the virtue of Regulus than of his republic.

Let us consult Montesquieu on the manner in which the Romans made their treaties: and without blaming Cicero for glossing over that which might have drawn reproach upon his country, we shall see at least to which of the two we ought to give credit on this occasion.

“ As the Romans (says Montesquieu) never  
“ made peace with good faith; and that, in the  
“ design of invading all, their treaties were pro-  
“ perly but suspensions of arms, they always intro-  
“ duced such conditions as must lead to the ruin  
“ of the state which accepted them.

“ Sometimes they availed themselves of the sub-  
“ tile terms of their language, to abuse those whom  
“ they treated with. This was the case, when they  
“ destroyed Carthage; saying, that they had only  
“ promised to save the *city* not the *town*. They  
“ also deceived the Etolians, who *abandoned them-*  
“ *selves to their faith*, by saying that the signi-  
“ fication of these words imported the giving up  
“ of every thing; of their persons, lands, cities,  
“ temples, and sepulchres.

“ When one of their generals made peace, in or-  
“ der to *save* his army, on the point of perishing, the  
“ senate, who would not ratify the treaty, profited  
“ by it, and then continued the war. Thus too, when

“ Jugurtha after surrounding a Roman army, suffered them to depart on the faith of a treaty, even the very troops which he had saved, fought against him. When the Numantines had reduced twenty thousand Romans, ready to expire by famine, to solicit peace; this peace, which had saved so many citizens, was broken at Rome, and they eluded the public faith, by sending back the consul who had signed it.”

Even Cicero acknowledges that the republic of Rome was debased by the senate, which extorted from certain cities the tribute that had been remitted by Sylla, notwithstanding the sum which they had payed for the remission.

From this opinion of Montesquieu, we may conclude, as well as from the general review we have taken, that the Romans ought, for the support of their grandeur, or at least of their glory, to have adopted these maxims of Cicero, on the good faith which ought to be the soul of treaties.

To the engagements of nation with nation may very properly be applied what Cicero says respecting private engagements: “ Exceptions must be made (says he) when, contrary to all justice, they have been subscribed to through fear, or forced from the party by violence.” Thus, in cases where an enemy, abusing his victory, and taking advantage of the terror of a vanquished people, imposes, as the conditions of peace, that they shall change

change their religious worship; and not only deliver up their arms, but cease to acknowledge for king the prince upon whom the general will and the law have conferred that title; a treaty, which contained such conditions, could not bind a vanquished people, because it would contradict the first rules of justice.

Religious worship belongs to the opinions of men: when a nation has adopted that which they conceive the best, the most worthy of the Deity, no power on earth has a right to prescribe another.

Defence is a natural law: and to require of a people, that they should cease to fabricate or to procure arms to defend their possessions, would be to impose an unjust restraint upon them; and if they have been forced to subscribe to it, by the fear of annihilation, they may, without breach of faith, resume the free exercise of their faculties and of the rights of men. It is not then the vanquished who do wrong, by infringing a treaty, it is the vanquisher, by having inserted an article contradictory to natural justice.

In fine, the people who have chosen a king; who have placed him on the throne, and sworn fidelity to him, are bound by that first oath; and the conquerors can neither annul that oath, nor impose a law to compel them to sub-

mit to any other monarch, not freely elected by them.

The origin of kings and of written laws, according to Cicero, was this: “ Men, united in society, found the necessity of having some laws established, which should be equally binding to all. The poorer part finding themselves oppressed by the rich, had recourse to some man, distinguished for his virtue, to enforce the observance of justice. The wisdom of the first kings, thus chosen, supplied the place of laws; but men found that they might not always have a good king; they therefore wrote down the laws, that the rights of citizens might be invariably fixed.”

After having thus extracted from the *Offices* of Cicero all which relates to natural right, and to the rights of men, it remains for me to consider what he has written on the same subject, in his *Treatise on the Laws*.

Unfortunately a great part of that work has not descended down to us, and the depriving us of it, is not one of the least important losses which we have sustained, by the invasion of ignorance and barbarism. But men, who acknowledged no right but that of the sword, no law but that of conquest, were not likely to pay any great regard to the observations of a philosopher on justice and injustice: such observations would be as impotent, as the plea of right and reason against the rapacity

rapacity of a warlike troop, to whom their chiefs had promised the rich spoils of the vanquished.

It must be acknowledged that the Romans were less authorised than any other nation, to give lessons to conquerors; or to endeavour to stop others by the laws of justice and the rules of propriety, since they had never set any bounds to their own schemes of conquest.

Cicero thinks that the justice of social laws is not absolute, for that justice depends only on its own essence. “Laws devised by men (says he) may swerve widely from justice; but they are not true laws, they ought not even to bear the name.

“If (continues Cicero) the will of the people, the ordinances of a senate, the decisions of magistrates, could determine what is just, we need only gain suffrages, and ensure a majority of votes, for rendering robbery, theft, adultery, and the forging of testaments legal.

“We have no other rule (says he) for distinguishing a good law from a bad one but nature. The sense with which we are all endowed, enables us to discern what is just from what is unjust; what is proper from what is improper.”

It results from this truth, that all legislators ought, before they form a law, to consult nature; and examine whether what they are going to ordain accords with that sentiment of justice, which is found



in every mind : and if, in the work I have been analyzing, we could find but this one important maxim ; it is so beautiful, so instructive, that it would not be too dearly obtained at any price.

Cicero was of opinion, that a law ought to be preceded by an explanation of the motives which occasioned it ; but Seneca differs widely from him in this point. “ A law (says Seneca) should be short, that every person may retain it in their memory : it should strike the mind suddenly like a voice from heaven ; it should command, and not be the subject of discussion.” So entirely were the thoughts of these men influenced by the circumstances under which they wrote !

The opinion of Cicero is that of a republican, who makes great account of the voluntary consent of the people to whom the law is addressed. The opinion of Seneca is that of a writer, whose mind is already debased by servitude : he sees in the emperor, who governs, the image of a God commanding mortals. To remember and to obey the law, are, in his idea, the right and duty of the people. But, in running over the books of the laws, we discover that, if Seneca could not defend his reason from the ascendancy of despotism, Cicero could not guard his from the influence of augural dignity : he has the weakness to extol the ministry of augures and auspices !

He

He might perhaps have deserved praise for his dissimulation, if he had contented himself with feigning a religious respect for those ancient ceremonies, which superstition had multiplied; because they attached the people to their temples, to their pontiffs, and added to the empire of morality that of the fear of the Gods. But for a philosopher to degrade his wisdom so far, as to recommend, *under pain of death*, a blind deference for the decisions of these privileged impostures, who set themselves above the law; who could disconcert the prudence of a general; break up a public assembly; stop a wise decree of the senate, by ungenerously sporting with the credulity of the people.

When Cicero endeavours to demonstrate the certainty of their presages, by fables drawn from antiquity, we lose at once all that admiration, which increased as we read his Treatise on the Laws: and the writer, whose wisdom we there contemplated with so much delight, seems to resemble one of those ancient statues, whose graceful, nay almost divine forms terminated in a manner which announced a shameful origin.

What Cicero says in the third book of the Laws, is foreign to our subject. It is of no importance to us, to know what ought to be the established term for an edile to hold his office, the business of which was similar to that of our magistrates of police. The lessons which he gives to censors are  
also

also useless to people who are raised above censure.

His opinion concerning the utility of the tribunes honouring the senator, who had frequent occasion to complain of their preponderance, is likewise of little moment to us. If we had tribunes, we should be able to prevent troubles and seditions, and direct the people to more legal pursuits. They ought not to be elected out of every class.

It would be necessary that these new tribunes, invested with the public agency, should be neither the creatures of the king nor the creatures of the magistrates; but the men of the people, for watching over the execution of the decrees of the nation, and the police regulations; accelerating justice in the tribunals; inspecting prisons and hospitals; and defending the weak from all injustice and oppression.

Cicero declaims with reason, in his third book of Laws, against the mode of election by ballot, which was just then established at Rome; and which was afterwards extended to decisions in the trials of capital offenders, and to the admission of new laws.

“ This mode (says Cicero) which seems to give  
 “ more liberty to opinion, has been invented by  
 “ the enemies of public welfare. It leaves a field  
 “ to intrigue and cabal; and the great can purchase  
 “ chafe

“ chase votes with much more facility, when it is  
“ impossible to discover those who have sold their  
“ suffrages.”

This truth was perceived by our representatives, when they preferred the nominal appeal to the mode of balloting; and it is to be hoped that the same noble freedom will be adopted in our tribunals, as magistrates are accountable to the public for their decisions. If they are just, they cannot be avowed too publicly; if they are iniquitous, they should be branded with shame. If a magistrate has not courage to resist seduction, or the influence of a prevailing opinion, let him resign his office; but give him not an opportunity of concealing his wickedness in the gloom of secrecy; nor suffer him, involved in the multitude of his colleagues, and adding falsehood to iniquity, to take refuge from censure, by saying, “ *If the decree is unjust, it is not my fault, I cast in my negative against it.*”

## C H A P. IV.

## OF THE GERMANIC CONSTITUTION.

**O**F all the constitutions which exist at this day, the Germanic constitution is the most complicated; and it is of all others the one which there is the greatest necessity for tracing through all its relations; because it forms the central point in which the interests of the principal states of Europe are united. The assemblage and organization of its parts has had no model in antiquity.

Aweful from its force, astonishing from the accordance of its powers, it may be compared to those machines whose wheels, though of different diameters, turn in concert, and give motion to many levers which act and re-act upon each other continually. On examining this complex system with attention, we perceive that a more simple one might be devised, which would answer the purpose better, and at less cost; but who would dare even to suggest the idea of a reform so contrary to the strongest of the human passions? I shall only detail the constituent parts of this body, and describe their movements.

Hitherto

Hitherto we have considered no other chiefs of society but kings and senators; and no defenders of the privileges of the people but the ephori, tribunes, and orators. Now we are going to discover sovereignty in greater splendour; but we shall at the same time observe, that what it gains in pomp, it loses in power; and that if this sovereign did not possess other dominions, besides those annexed to his sovereignty, he would be surrounded with none but the creators of his dignity; who, after having humbled themselves for a moment before the idol of their choice, would proudly turn upon him and become his rivals.

We here perceive, placed at a great distance, a multitude of princes intoxicated with their titles; who when assembled form a medley so extravagant, that those who contemplate them know not whether they should blush or laugh. What can indeed be more ridiculous than a college of petty sovereigns, some displaying the gallant air of cavaliers, others appearing as prelates; many as monks, and some habited in the dress of abbeesses. With what a variety of sentiments must the mind be assailed, when we behold this motely train, and are told to regard them as the princes of the empire; as the chiefs of the most populous country in the universe.

If, after having sighed over such a spectacle of vanity, we penetrate this perpetual diet; behold it employed in regulating the rank and precedence of its members;

peror depose three popes, while the emperor Henry the Fourth was in his turn excommunicated, and shortly after deposed: and in 1122, Henry V. concluded a treaty, by which he renounced the investiture of ecclesiastical dignities.

In this struggle between the imperial and triple crowns, the latter, aided by the arms of religion, disengaged Rome from the sovereignty of the emperor; deprived Matilda of the succession; and under the reign of Frederick II. all the authority of the German emperors in Italy was extinguished and wholly disappeared.

The death of William, count of Holland, who had been elected by the states, was followed with that long interregnum so fatal to the people of Germany; and it was then seen that the greatest misfortune which can happen to subjects, is to be under authority placed at a distance from them; and which, pretending to derive all its power from heaven, still interferes with the concerns of the world; holds domination over thrones; places upon them such princes as it believes most disposed to favour its projects; entertains in foreign nations a militia enrolled under its banners; which is paid by superstition, and ready to be opposed at will to the power of empires.

During the continuance of this bloody anarchy, the princes and nobles, and the cities which called themselves free, extremely increased and strengthened

ened their own privileges, by alternately favouring and opposing those who pretended to the imperial crown. Powerful individuals availed themselves, as a kind of plea for their injustice and vengeance, of what is called *le droit manuaire*, or *the right of collecting manorial duties*. This they performed by openly attacking their enemies, setting fire to their castles, ravaging their lands, carrying off all they could find, and even obliging the owners to fly until they could muster sufficient force to make reprisals. These horrid acts of outrage had, like duels, their rules and principles: defiance was first sent in three different forms: the first in person; the second by verbal message, expressive of the same defiance; and the third by letters, conceived in these terms, “ We the noble — make known to you — that not having been able to obtain our rights, we announce to you our intention to pursue you with pillage, fire, and sword: we are against you and your allies, and the allies of your allies. You may expect us three days and three nights —.”

It is necessary to observe, that it was not until these excesses had been practised for a considerable time without advertisement, and without preliminaries, that such acts of hostility were preceded by the same forms used by sovereigns in making war; and by all those rules, which men have presumed to call the rules of honour. The lower classes of



subjects, as well as the nobles, made it their glory to engage in those outrages.

The emperors could not, for some centuries, put an end to this barbarism, though all their power was employed against it; and they were obliged at last to compound with the plunderers, by confining their excesses to certain days, and to certain privileged places. When we consider the accounts transmitted to us of the manners of antiquity, and compare them with the history of these more modern times, we almost believe the world must have been peopled with a different species of men.

Fanaticism, the abuse of religion, and false principles of heroism and greatness, have so obscured our ideas, that we seem to deviate from morality and reason in proportion, as we seek to raise our thoughts of them to a sublimer height. The transition from error to truth, cannot be effected without producing great disorders in society; and that is probably the reason why wise men have been afraid to attempt too sudden a change in the opinions of mankind, however vicious those opinions might be.

Before christianity had purified the human mind, how many misfortunes did its truths, ill explained, and still more ill conceived, occasion in the world: and how much blood did they cause to be shed in the eastern and western empires, and in Germany! If the popes had contented themselves with explaining to the people  
their

their legal rights, without endeavouring to usurp any others : if they had sought to reign only by the power of wisdom : if, in exalting the papal chair above all thrones, they had betrayed no views but those of watching over the government of princes exhorting them, with more effect, in consequence of their superiority, to the exercise of justice ; and interposing their mediation in all their differences, for the single purpose of restoring peace : if reducing to simple principles the truths of which they called themselves the interpreters, they had by them afforded consolation to the unhappy, and hope to the oppressed ; and if their anger had been always righteous, and their protection always equitably afforded, what authority would they have transmitted to their successors ; what crowns of true glory would have accumulated on their heads ! They would have been the fathers of all people, the princes of all princes, and none would have dared to dispute with them the empire of virtue.

Unfortunately, however, the popes from being at first the subjects of kings, could not content themselves with being their rivals in power, but they determined to domineer over them ; and, strong in the weakness of the people, they elevated or degraded sovereigns at their pleasure. Germany felt more than any other christian state, the influence of their ambitious projects.

At length the election of Rhodolph of Hapsburg,

H 2

which

which took place in 1273, by a general compromise among the electors, drew this vast empire from the exhausted and chaotic state, into which it had been plunged by the long interregnum. From this emperor sprung all the princes of the house of Austria.

The long vacancy of the imperial throne, was no less favourable in Italy, than in Germany, to the liberty of many cities which depended on the empire. Rhodolph, too weak to bring them again to obedience, judged it expedient to confirm their independence, on their paying him certain sums of money.

Adolphus, count of Nassaw, was deposed by the princes of Germany, after having been elected by a compromise of the elector of Mayence. Albert, of Austria, elected in the room of the count of Nassaw, maintained his election both against his rival, whom he killed at the battle of Spires, and against the pope; who after having summoned him to appear before him, *in order to purge himself from excommunication*, humbly called him to his aid against Philip the Bald; and not only acknowledged him for emperor, but added to the title that of king of France, which he said must undoubtedly make part of the German empire, because the empire made part of the dominions of France, under the reign of Charlemagne; but ambition  
and

and injustice are seldom very consistent in their vengeance.

Italy seemed to detach itself more and more from Germany. Four emperors did not cause themselves to be crowned; and neglected going to Rome to offer there the successors of the Cæsars. Henry the Eighth conceived, unfortunately, a desire to be crowned king of the Romans; and passed into Italy for that purpose. He entered Rome less as a sovereign than a conqueror: dispersed all who opposed his passage: spread terror through the sacred college; and was crowned by three cardinals.

In order to proclaim his sovereignty, he established a governor at Rome; imposed an annual tribute on all the cities, and was even resolved to subdue the kingdom of Naples to his authority.

This prince was going to support his high pretensions by force of arms; and to humble, at one blow, the pope, who styled himself sovereign of Naples, and the king, who was the pope's vassal; when one of those sudden deaths, more frequent in Italy than elsewhere, put an end to all his projects. Under his successor, Louis of Bavaria, the limits of the empire were again confined to Germany. Charles IV. grandson of Henry VIII. after having been elected by the unanimous suffrage of the electors, went to Rome to receive the crown from the hands of the cardinals. Never

was any ceremony performed with greater pomp, and never did any sovereign possess less power in the place where he was crowned: he was not even permitted to pass the night of his coronation day in the city, which had been witness of all his honours: for the remembrance of the entry of Henry the Seventh, and the power which he exercised, had so terrified pope Clement VI. that he caused Charles to be informed before his election, that if he came to Rome to be crowned, he must remain there no longer than the day of the ceremony.

These details which seem at first view to be only historical anecdotes, lead us much into the knowledge of the constitution of Germany, and prepare us to dive into the spirit of its laws.

It was under the reign of Charles IV. that the famous *bulle d'or* (golden seal) was published, a name which it derived from the great gold seal, impressed with the imperial arms, which was affixed to it. This *bulle* is the first fundamental law of the German constitution. By it the manner of electing and crowning the emperor are regulated; the rights of the electors fixed, and their number limited.

The interests of the people are attended to in very few points throughout this law. Pretensions to the right of governing them have, however, proved so fatal when opposed; and have produced  
such

such bloody scenes and such horrible ravages, that it was doing a great deal for the subjects, to fix invariable rules for the creation of a sovereign.

This *bulle d'or*, although the fundamental law of Germany, is written in Latin. Many of its arrangements are now abolished, such as those which regulate challenges; and others have never been carried into execution: the count Palatine, for instance, has never exercised the right of judging the criminal causes of the empire, although the *bulle d'or* attributes to him that department. Other regulations, directed by this great instrument, have been altered, particularly that which grants to the emperor alone, the right of naming electors when vacancies occur. The number of electors were by this *bulle* confined to seven, but they have since been increased to nine; and, in fine, they are not reduced to bread and water, if they neglect electing a king of the Romans in *the space of thirty days*; though the *bulle d'or* condemns them to that diet, so little agreeable to the luxury of sovereigns. But notwithstanding these alterations, it is still equally consulted, and considered as possessing the full force of law in all points, except where some derogation has been made expressly, and by consent of the states.

The second fundamental law of the empire is known under the title of *de paix publique* (the general peace) its principal object is to abolish the

*droit mannaire*, which, at that time, continued to spread trouble through every part of Germany.

The principal ordinations of this act, published by consent of the states at the diet of Worms, in the year 1495, are the following :

“ No member of the empire shall declare war  
 “ against another member ; neither attack, nor  
 “ pillage, nor make prisoner, nor dispossess of his  
 “ domains, any person submitted to the decisions  
 “ of justice.”

How could it be possible that among a people civilized for so many ages, such a law as this should be necessary ? It seems from its being so, that barbarism effaces from the heart and mind of man, all the first principles of natural justice !

“ Each person shall grant a free passage through  
 “ his domains, to the vassals of another, and no  
 “ one shall exercise any violence against them.

“ No person shall seduce the vassals of another,  
 “ nor persuade them to revolt against their lords ;  
 “ nor protect those who fly for any crime.

“ The states shall arrest all vagabonds ; and,  
 “ No person shall aid the escape of those who  
 “ have infringed the laws : on the contrary,  
 “ each state shall be bound to take main force  
 “ for causing the sentences pronounced against such  
 “ offenders, to be carried into execution.

“ Persons who infringe the law, shall be put  
 “ under

“ under the ban of the empire, or condemned to pay a fine of two thousand marks of gold.”

The ordinances of this law appear to have been particularly directed against, or in favour of, persons of great landed property; but though they were dictated by good motives, they favour strongly of the barbarism of the times in which they were made. In a more enlightened age, could it have been necessary to enjoin the great land-holders, to give free passage through their domains, to the vassals of another, if business or inclination induced them to travel?

This alternative of the imperial ban, or paying a fine of two thousand marks of gold, pronounced against the violators of the laws, is infinitely too vague a sentence. He who forbears to take main force in the execution of the law, ought not to be fined so enormously as he who attacks the property of another. He who affords an asylum to a culprit, is less guilty than he who has excited him to rebel against his lord. But how should we expect a wise graduation, an equitable proportion between punishments and offences, from the legislators of the fourteenth century, when in the eighteenth we have not yet been able to obtain this due measure of justice, from those who have made themselves the arbiters of our destiny?

The third fundamental law of Germany, is that known under the name of *la paix de la religion*.

It



It is the general wish to see these two words always united : but, alas, the peace of religion is seldom experienced until after a religious war ! And it is an affecting scene to behold men armed against each other, in support of their different religious opinions.

As this famous law forms an essential part of the present constitution of Germany, it is necessary to advert to the original cause of its publication. •

The first step taken by Luther was, to attack those indulgences with which the court of Rome had carried on so shameful a traffic. This was an audacious impost levied by that court, on the blindness of all people who deemed themselves enlightened by faith. Encouraged by his first success, Luther ventured to attack the main points of the catholic religion ; and won over to his sect many princes and cities of Germany.

The pope, who had been hitherto afraid of endangering his power of excommunication, by employing it against the man who had brought discredit on his indulgences, seized this opportunity of revenge : he launched forth his thunders against Luther, and declared him a heretic ; and in 1521 the diet of Worms proscribed him and his adherents, and forbid the reading of his books.

Charles V. who then filled the imperial throne, was engaged in a war with the Ottoman forces, assisted by the alliance of Francis I.

Charles

Charles had occasion for the aid of all the German princes to support this war : and in order to reconcile himself to those whom the diet of Worms had proscribed, he convened a diet at Spires, which was less severe than that at Worms. It only forbid “ any innovations, or the determining any thing “ in matters of faith, or in the ceremonies of the “ church,” and it ordered that, “ In expectation “ of the holding of a council, or national assembly, each person should so conduct himself, as “ to be able to render an account of his actions to “ God and the emperor.”

We owe to God an account of our actions, and even of our thoughts ; but surely to an emperor men can own no account of their actions, unless they are his subjects. This decision, however, produced a calm which seemed likely to spread, and gave hopes of a conciliation ; but a new diet at Spires, more intollerant than the first, forbid the states of the empire from receiving the dogmas of Luther, or making any innovation in the ceremonies of the church.

The elector of Saxony, the Margrave of Brandenburg, the duke of Luxembourg, and the princes of Hesse and of Anhalt, who had adopted the principles of Luther, protested against this decision ; and from hence sprung the name of *protestants*, by which their party has since been distinguished.

At

At the diet of Ausburg in 1530, the protestants presented the articles of their creed, known by the name of *the Confession of Ausburg*. The diet refused them, and ordered the restitution of the ecclesiastical property, which the protestant princes had seized.

The elector of Saxony and his adherents protested again; and formed among them a famous confederacy, into which Francis I. and the king of England both entered, though both were catholics; because they were more jealous of the emperors greatness, than solicitous to support the authority of the church. These united forces, and the terror which the arms of Soliman spread through Europe, forced Charles V. to treat the confederates more favourably; and he forbid, at the diet of Nuremburgh, any person being troubled on account of religious matters, until the holding of the next council.

This lenity produced not the effect which the emperor expected; for the confederates, notwithstanding, consolidated their alliance with the kings of France and Great Britain.

Charles not being able to break this confederacy, declared Frederick of Saxony, and Philip of Hesse, enemies to the empire; and from hence proceeded that terrible war which made Germany a scene of trouble and slaughter; and which became so fatal to confederates.

After the imprisonment of the Prince of Hesse;  
Frederick

Frederick of Saxony, who was put under the ban of the empire, and his electorate given to his brother Maurice; this very Maurice, more influenced by ambition than gratitude, made an alliance, in favour of the protestants, with Henry II. of France; ventured to attack Charles; and in a little time saw that emperor flying before him, whose very name would once have made all his forces tremble.

The emperor finding that he was unable to resist this single elector, concluded with him the treaty of Passau; and bound himself by it, “to hold  
“ within six months a diet, which should be employed in putting an end to the scism: that until  
“ the determination of this diet should be declared,  
“ no state should be disturbed on account of religion: and the catholics, and those of the confession of Ausburg, should preserve their religion,  
“ and their ceremonies, as well as all their property and rights.”

What agitations, what manœuvres, what efforts were here employed for conducting men to that point, whither reason alone would have directed them!

This diet, however, which should have been convoked within six months, did not assemble before the end of three years. It met at last in 1555, and produced that *paix de religion* (peace of religion) which makes the third fundamental law of Germany.

This

This law imports “ that the electors, princes, and states of the empire, including with them the nobility, shall have the free exercise of their religion. That all ecclesiastical jurisdiction shall be suspended with regard to them, in those cases where there shall be a question of faith, or of the rites and ceremonies of the church : but that, in other matters, the arch-bishops, bishops, and prelates shall exercise their ecclesiastical jurisdiction according to the usage of the place. All those, however, who follow not the catholic religion, or the confession of Ausburg, are excluded from the peace of religion.

“ Those states, which have seized upon abbies, convents, or other ecclesiastical property, shall keep possession of what they have so seized, unless the ecclesiastics have recovered them, or had them restored by the treaty of Passau.

“ It is forbidden to the states to seduce the subjects of each other, by persuading them to change their religion : but it is permitted to the subjects to change their faith, though contrary to the will of their Lords, and to sell their property, and quit the country.”

There is still another, the last article in this law, distinguished by the name of *ecclesiastical reservation*, which gave rise to those difficulties and demands which were terminated by the treaty of Westphalia,  
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This last article imports that, “ in case any arch-  
“ bishop, bishop, prelate, or other beneficed per-  
“ son shall renounce the catholic religion for the  
“ confession of Aufburg, he shall be deprived of  
“ his benefice, and of the fruits which depend up-  
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“ the sentence of banishment, pronounced against  
“ such violators of the law as shall be found with-  
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“ ing circles shall lend him their assistance, in case  
“ of need.”

Who could have doubted, after the ratifying so wise a law, and a law moreover which was accepted by both parties, that all religious wars would have been extinguished for ever; and that the torch of discord would never more have kindled up flames for the destruction of the church! But alas! men resign themselves to reason only by constraint: it seems an unnatural element to them, in which they cannot exist.

In 1583, an archbishop of Cologne, weary of celibacy, embraced the protestant religion, and afterwards espoused the Countess of Mansfield. He was desirous of retaining both his bishoprick and  
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his wife, and neither his chapter nor the court of Rome opposed his heresy or his marriage; but they were not willing to have the profits of his archbishoprick made a provision for the fruits of his conjugal union. Although his pretensions to holding his see were supported by the protestants, they were ineffectual; and the deposing of this prelate proved a spark of dissention, which the succession of the Duke of Juliers fanned into a flame.

The protestants now concluded their famous union, and the catholics their opposing league.

The Emperor Rodolphus, more employed with chymistry than with preventing troubles in the state, gave a proof how unfortunate it is for a nation when their prince neglects the science of governing, to pursue those sciences with which their welfare is unconnected. He alienated the minds of the protestants, by refusing to take into consideration the complaints they made against the aulic council, and the imperial chamber; and, though he had granted to those of Bohemia, letters which permitted them the free exercise of their religion, the clergy violated his promise, by causing several protestant churches to be pulled down.

This is one of the most dangerous acts of false zeal to which intollerance can hurry the enemies of a religion. Men will pardon the destroying, the burning of their houses; but the demolition of a church seems an offence to the supreme Being who was there invoked;

invoked; and all his adorers are ready to arm themselves with the stones of the sacred edifice; the ruins of which they behold with horror, as if the Divinity were left without an asylum. Insensible and stupid men! know you not that the temple of the true God is as unalterable as eternal as himself? That the vault of the heavens is the arch of that immense edifice only worthy of the majesty of its author? That if he deigns attention to their vows in these dwellings, as frail as the hands which constructed them, it is only in condescension to the weakness of men? And that they will all seem exalted in his sight in that day, when animated with the same mind, and the same spirit, one universal song of gratitude shall ascend, without distinction, towards that place which they regard as the sojourn of the Father of nature?

The first act of injustice always leads on to one of greater magnitude. The Bohemian subjects of the Emperor Ferdinand II. emancipated themselves from his yoke, and elected in his room Frederick V. Elector Palatine, to be their Sovereign.

Did there ever exist a king whose mind was so far elevated above a throne, that he would say to himself, "I reigned over a people who had chosen me for their sovereign. My first title was their consent: my second, my own intention of rendering them happy, by justice and the laws. This day they revoke the first title which I held

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“ from them. They hope to find, in another monarch, a greater desire than they found in me to contribute to their welfare. Be it so; let them exercise this power, of which they are so tenacious! Perhaps their repentance, when they find their hopes deceived, will avenge the affront I have experienced. In ceasing to be a king, I shall become less powerful, but I shall be more great; because I shall have shewn a noble disdain of vengeance, and that I knew how to act as a man, after having been a sovereign.”

The Emperor Ferdinand could not rise to this degree of wisdom. He pursued the ordinary rout; made war upon his subjects; overcame Frederick; treated him as an enemy to the empire, and proscribed him, without consulting the states: for revenge had rendered him blind; and made him violate his own capitulation.

Fired with his success over Frederick, the emperor was desirous of annihilating the whole protestant party at one blow: he began by publishing an edict, founded indeed on justice, but unjust in its form, because it was not authorized by the consent of the states. This edict ordered the restitution of all the ecclesiastical property which the protestants had seized upon since the year 1555.

It was in the midst of this war, which has been since named *the war of thirty years*, that Gustavus Adolphus, king of Sweden, came to assist the protestants,

testants, and appeared with so much eclat. But after gaining a great victory at Leipfick, he received his death at Lutzen. This was an immense loss to the party he protected : but his successor, having strengthened himself by an alliance with France, continued the war with fury.

It is worthy of remark, that the protestants, always so severely persecuted in the bosom of France, have always found support from it out of the country ; so true it is, that fanaticism and religious persecution are characterized by inconsistency.

This long war was mixed with defeats and victories on both sides ; as if the power, in whose name it was undertaken, and who was equally invoked by each party, had determined to shew that he favoured neither side : that he abandoned them to their madness : and that both parties deserved their share of humiliation.

Instructed by their misfortunes, the catholics and protestants at last determined to put an end to the war. The preliminaries were settled at Hamburgh in 1641, the conference opened in 1644, and peace declared in 1648.

The articles of this peace form the fourth fundamental law of Germany : and thus it is that we arrive at the grand basis of the law of nations, by traversing history. It is the only means of keeping a steady course, and securing ourselves from being misled.

This law imports “ that the electors, princes, and states of the empire, including with them the nobility, shall have the free exercise of their religion. That all ecclesiastical jurisdiction shall be suspended with regard to them, in those cases where there shall be a question of faith, or of the rites and ceremonies of the church: but that, in other matters, the arch-bishops, bishops, and prelates shall exercise their ecclesiastical jurisdiction according to the usage of the place. All those, however, who follow not the catholic religion, or the confession of Ausburg, are excluded from the peace of religion.

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The peace of Westphalia comprehends two treaties. The first was formed with France, at Munster; the other with Sweden, at Osnabruck.

France had engaged in this war against the catholics, during the administration of Cardinal de Richlieu, and saw it happily terminated under that of Cardinal Mazarin. This last minister shewed himself, on this occasion, superior to his predecessor.

Cardinal Richlieu, in drawing France into this war, saw nothing but the opportunity so favourable to his darling scheme of humbling the house of Austria. But he seized an inauspicious moment for accomplishing his design. “ If (as the Abbe de Mably has very judiciously remarked) Richlieu, instead of contenting himself with paying a subsidy to Sweden, had declared war with the emperor at the time when Gustavus was spreading terror through Germany; or, at least, if he had not waited before he took up arms, until the battle of Nordlingen had almost entirely ruined the affairs of the Swedes, the imperialists finding no allies after their defeat, would have been obliged to receive laws from the conquerors. But the loss of one single battle had deprived the Swedes of all their advantages; and restored courage to the allies of the emperor: so that when France came forward, she had a fallen ally to support, and a victorious enemy to combat.”

It is these errors in policy which weaken the esteem we should otherwise entertain for great ministers : and their effects are unhappily felt by the nation, whose blood and whose honour are thus endangered, without their ever being consulted on the occasion.

Almost all the powers of Europe were parties in the treaty of Westphalia. Germany, Sweden, Prussia, Holland, Spain, and France, stipulated there for their interests, and fixed their rights.

But we must at present confine ourselves to that part which relates to Germany ; and in that design we shall give those articles which concern religion.

“ It is determined that three religions only shall be admitted in the empire : the catholic, the Lutheran, and the reformed.

“ That the ecclesiastical stipulation shall be reciprocal : that is to say, if a catholic, who has a benefice, shall embrace any other religion, his benefice shall become vacant : the same, if a protestant returns to the bosom of the church ; he shall lose his dignities, and the profits attached to them.

“ By this treaty, the power of the ordinary, and his ecclesiastical jurisdiction are suspended, with regard to the professors of the confession of Augsburg ; and each state may exercise those powers in its territories.”

The time fixed for restitution of ecclesiastical property was the 2d of January 1624, and the treaty directs that “ whoever shall have possession of  
 “ any property on that day, although he should be  
 “ afterwards deprived of it, shall have it restored,  
 “ without requiring any other title.”

With respect to the exercise of religion, the states are permitted “ to embrace any one of the  
 “ three just mentioned which they judge proper :  
 “ and their subjects may freely profess those reli-  
 “ gions which they chuse to follow, during any part  
 “ of the year 1624 ; or they have a right to emi-  
 “ grate, on indemnifying their Lord, in case he is  
 “ not willing to grant them toleration.

“ In the ordinary assemblies, as well as in the  
 “ general diets, the number of deputies of the one  
 “ and the other religion shall be equal.

“ When any affair requires extraordinary com-  
 “ missioners, they shall be appointed from among  
 “ the protestants, if the matter has occurred in a  
 “ state, or to persons, who profess the confession of  
 “ Ausburg.

“ If the difference regards the catholics, the  
 “ commissioners shall be catholics : but if any dif-  
 “ pute occurs between catholics and protestants,  
 “ the commissioners shall be of both religions, and  
 “ an equal number of each.”

All these articles appear to have been dictated by  
 a true spirit of toleration and impartiality : even to  
 the

the present moment, they have never been infringed: and there is reason to hope that the knowledge, which is every day diffusing itself over the face of Europe, will preserve the people of Germany from a renewal of those religious dissensions, by which they were too long agitated.

We must now attend to that part of the treaty of Westphalia, which is purely political, and relates to the electors, princes, and states of the empire.

“ They shall have a right of suffrage in all resolutions. Without them no laws can be made, or any of the ancient ones interpreted or changed.

“ Their consent shall be necessary for declaring war: making peace: contracting alliances: establishing imposts: levying troops: and for building new fortresses in the name of the public, on the lands of the states.

“ The free cities shall have a decisive voice in all diets, particular and general: and they shall enjoy all their ancient rights.

“ The electoral princes may make alliances among themselves, and between themselves and foreigners, provided that these alliances are not against the empire, nor against the clauses of the treaty of Westphalia.”

It was at the same time agreed, that the emperor should no longer have a right to put under the ban of the empire any prince or any state, without the consent of the electors.

The princes and states, dissatisfied with this arrangement, insisted that their consent should likewise be necessary to the imperial ban; but all they could say or write upon the occasion was ineffectual, until Charles VI. was elected to the imperial throne. In his *capitulation* or agreement with the electors, it was stipulated, that he should not pronounce the ban of the empire, *without the knowledge and consent of the electors, princes, and states.*

This act of imperial sovereignty is of too much importance to be passed over, without giving an account of the forms which must be complied with to render it legal, according to a clause in the *capitulation* between Charles VI. and his electors, and which is inserted in the *capitulations* of his successors.

“ When the process is closed, the proceedings shall be layed before the general diet. They shall there be taken into consideration, and examined by some of the states, who are deputies of the three colleges of the empire. These examiners shall be of both religions, an equal number of each; and they shall be particularly bound by oath on the occasion. Their opinion shall be reported to the electors, princes, and states; who shall thereupon pronounce final judgment.

“ This sentence, after having been confirmed by us the emperor, or by our commissioner, shall be published in our name, and the execution

“ tion

“ tion of it shall be performed and accomplished  
“ according to the established forms; and by the  
“ same circle to which the proscribed party be-  
“ longs, and where he had his dwelling. We will  
“ detain no part of that of which he shall be de-  
“ prived, neither for ourself nor our household: the  
“ whole shall become the property of the empire;  
“ but the first step shall be to make satisfaction out  
“ of it to the injured party.”

I would willingly spare my readers the fatigue of going over these extracts from *treaties* and *capitulations*: but, dry as they appear, it is necessary to examine, and make ourselves well acquainted with them, in order to form a just idea of public law. And to complete the information I have given of these fundamental laws of Germany, I must add, that they are still acknowledged in the imperial *capitulations*. These *capitulations* are an agreement which the electors oblige the emperor to subscribe to at the moment of his election. He, at the same time, binds himself by oath to govern the empire according to the rules and maxims prescribed to him for that purpose.

The princes and states, envious of this important prerogative enjoyed by the electors; yet concealing, under a seeming regard for the public good, the dissatisfaction they felt at not being allowed to concur in these *capitulations*, which are renewed and modified at the election of every emperor, proposed the adoption of one regular settled form for these

these *capitulations*: but the electors, jealous of their privileges, maintained that they alone had the right of demanding, at an election which depended wholly upon them, the conditions which they judged the most advantageous, and best adapted to the circumstances of affairs. As this pretence of the electors is supported by the whole weight of their united interest, there is reason to believe that they will still triumph long over the demands of the princes, who have more vanity, than power to enforce their plea, were it ever so just.

We may reckon, in the number of the fundamental laws of Germany, the regulations admitted, and the decrees passed by the diet of the empire.

“ We find (says M. Dèmeunier, in his *Dictionnaire d'Economie politique et diplomatique*) many collections of these decrees; but not one is exact and authentic. It were to be wished that the Elector of Mentz, who, as chancellor of the empire, is the depository of them, would make and publish a complete collection of the whole. Such a work would be of greater utility, because, according to the constitution of the empire, no decree can be printed, or reputed authentic, until it has been compared with the copy of Mentz, which is signed by the elector, and sealed with the imperial seal.”

We must also rank among the fundamental laws of Germany, the ordinances of the imperial chamber,

ber, and of the aulique council, which have been given to the tribunals by the emperor and the empire, as rules to direct their decisions in all causes brought before them.

I have now gone through all the fundamental laws of Germany. They were not, as we have seen, the work of wisdom, or the fruit of meditation; but, though the constitutive laws of the empire, were produced by disorders, fanaticism, and unhappiness.

The first was the offspring of imperial pride. The second originated in that terror with which all persons possessed of landed propriety were inspired by the *droit manuaire*. And extravagant fanaticism gave existence, in the midst of all its fury to the third. But it had scarcely appeared, when it was crushed down by a concurrence of unnatural passions.

The empire, pressed by new calamities and exhausted by the blood which had flowed from all its wounds, produced at last the famous treaty of Westphalia, which might have established perpetual peace in Europe, if there were any curb sufficiently strong to check the efforts of ambition, and confine that power which is sensible of the superiority of its arms.

Since constitutions cannot now be solidly established, but as the consequence of calamities and dissensions, let us cease to lament the evils by which we have been so long agitated: since it is to them



them we owe the constitution which is now creating and rising up under our eyes.

What troubles and what sorrows have presided at the birth of this constitution of France! but it comes, no doubt, to unite all those whom these troubles and these sorrows had divided; and to receive the most solemn homage of the nation! Who shall from this moment dare to talk of sacrifices, when the monarch himself has made those of the greatest magnitude to the public felicity? Who shall dare to trick himself out with fruitless titles, when that of citizen is become the first of all titles? Or who shall indulge himself in boasting his superior rank, when there is no longer any superiority existing, but that which is derived from virtue and from talents?

CHAP.

## C H A P. V.

## CONTINUATION OF THE GERMANIC CONSTITUTION.

**W**E have seen, in the preceding chapter, what are the fundamental laws of Germany; but we are still far from knowing its constitution.

After having remained long without laws, Germany is become the slave of trifling formalities. The election and coronation of the emperor are the points which both the sovereign and the states consider as of the greatest consequence. Heretofore the emperor deemed it his highest glory to hold Rome under his dependence: at this day he regards it as an occasion of triumph, that he is independent of its pontiff.

Agreeable to the *bulle d'or*, the electors alone elect the emperor in the name of all the empire: but “not (say their declarations) in virtue of a power delegated to them, but in virtue of a right peculiar to them, and which is attached to their electorates.”

However contrary this right may be to the right of the nation, we must hope it will never be contested.

tested. It would nevertheless have been more certainly established, if all the states of the empire assembled to consult about the mode of election, had, by a fundamental law, resigned to the electors only the power of choosing a chief. But the simple subjects of the empire had not been convoked either at Nuremburg or Mentz, before the publication of the thirty articles which composed the *bulle d'or*: they could not consequently have the consent of the people; which seems indispensably necessary for electing a chief, to whom they were to owe duty and fidelity. But as there has been no protest, we may consider a right, of which the electors have been in possession since the year 1356, as sanctioned by the general consent.

The place of election was formerly discretionary; but the *bulle d'or* confined it to Francfort, unless, in case of any obstacles or reasons of sufficient consequence, the electors should agree to meet in some other city.

Before the electors arrive at Francfort, previous to an election, the hereditary marshal of the empire, in conjunction with the magistrates of the city provide lodgings, and agree about the price of provisions.

The electors may appear in person, or send their ambassadors, furnished with full powers, which they present to the Elector of Mentz, to have them verified.

Before

• Before the election comes on, the magistrates, the burgesſes, and garrison of Francfort, promise by oath not to trouble the electors.

The electors then deliberate and determine upon the articles of *capitulation*, which the emperor must sign, and swear to execute.

On the day of election, the electors arrayed in the robes proper to their respective dignities; mounted on horseback, and having their hereditary marshals at their sides, who bear the electoral swords in their scabbards, to intimate that they are disposed to perform their offices peaceable, march in form to the church, where a mass is celebrated; after which the electors take oaths to give their suffrages, *without favour, fee, or reward*, and they afterwards enter the conclave, in order to proceed to the election.

This oath, by which kings, princes, and sovereigns engage to give their suffrages *without fee*, is not of a very noble kind. But men do not always purify their expressions, in proportion as they elevate their thoughts: and as pride finds gratification in the pomp of ancient forms, men attach so much importance to them, that they dare not correct even the vilest and most degrading circumstance which ignorance has introduced.

The Elector of Mentz collects the suffrages, and gives his own as elector of Saxony.

The emperor is elected by a majority of votes.

There

There exists no law which specifies the qualities required in the person to be elected. The *bulle d'or* only says, that he must be *a good, just, and useful man*. But perhaps there is more wisdom than appears at first view in this description of a person proper to govern: for what in fact could conduce more to the happiness of an empire, than to have a sovereign who was good and just; and who knew how to render himself useful to the state he governed.

Protestants may be elected to the imperial throne since the treaty of Westphalia, because that treaty confers upon them a participation of all the rights enjoyed by the catholic states. It was of course a most gross mistake in certain modern politicians, who pretended that one of the electors, who is best able to bring a formidable force against the emperor, proposed to educate one of his sons in the catholic religion, in order to qualify him for the imperial dignity.

It has been asserted, that none but a German can be elected emperor, but this assertion is not supported by any law: and it is beyond a doubt, that a king of France, who was to obtain a majority of the suffrages of the electors might mount the imperial throne, filled in former times by Charlemagne and his descendants. Policy is the most powerful obstacle to the desire any foreign prince might have of adding the imperial dignity to his own power.

The

The laws do not decide at what age a person may be elected emperor. History informs us that the title has been conferred on minors, even in their pupillage: and the capitulation of the Emperor Joseph specifies, that he shall not intermeddle with the government, until he has attained the age of eighteen years.

When the election is determined, two notaries make a record of it in presence of witnesses. If the emperor is present, the capitulation, which had been prepared by the electors, is presented to him, and he swears to observe it. After this they proceed to the church, where, at the foot of the altar, the elected prince is presented to the people, and proclaimed emperor. If he is absent, the electors depute a prince of the empire to inform him of the election, and pray him to agree to it.

The new election had used formerly to be announced to the pope, and the coronation and consecration of the newly elected emperor was desired of his holiness: but since Maximilian I. the emperors have been contented to bear the name of *elected emperor*.

The successors of Maximilian II. ceased to send assurances of obedience to the pope. Their ambassadors went charged with no other promises but those of *protection and filial reverence* to the church.

We see how much the empire has taken, since the first treaty of Passaw, the ascendant over the

court of Rome; and found the way of arising from the dependence into which it was sunk. If the doctrines of Luther were fatal to Germany, by sowing there the seeds of heresy, they have greatly assisted the princes, and particularly the chief of the empire, in establishing, in the bosom of the country, a power, on which the thunders of the Vatican fall harmless and die away. In fact, a pope, who was to deviate so far from Roman policy, as to endeavour at reviving his old pretensions, would only weaken the catholic party, and augment the strength of the protestants. An emperor, who should now be excommunicated, would find all the electors who have separated themselves from the church on his side: a support which was not known to those whom Rome intimidated with its menaces.

We shall never more behold an emperor exhibit so scandalous a spectacle as did Henry IV. when, deposed by a pope, he was forced, by the superstition of his subjects, to go and humble himself before his enemy; suffer himself to be despoiled of his robes; cloathed with a garment of hair-cloth; and condemned to remain alone and bare footed in a court where he was treated as a prisoner; and where he was obliged to fast three days, before he made his appearance, under the character of a captive and a penitent, in the presence of a pontiff who  
exalted

exulted in his humiliation, and thought he did him a favour in admitting him to kiss his feet.

The pope has no right either to confirm or dispute the election of an emperor; neither is it he who now presents the crown: it is placed on the emperors head by the three ecclesiastical electors. The Elector of Cologne, to whom the consecration formerly belonged, now divides the honour of that ceremony with the Elector of Mentz.

The only thing which seems to oppose the establishment of a protestant prince on the imperial throne, is the oath which the emperor takes at his coronation, of *remaining obedient to the catholic church and to the pontiff of Rome*. But he is emperor before he is crowned; and the only thing necessary to establish his election, is his adherence to the *capitulation* presented to him by the electors.

Those writers, who amuse themselves with imagining new systems of government, pretend that the empire may in time conceive its chief to be but a useless pageant, and cease to invest an individual with the imperial dignity: but the adoption of such a system, if it could be adopted, would be very bad policy: the princes of Germany may be compared to the different stones which compose an arch, while the emperor forms the key of the centre: if he predominates over the rest, he still gives solidity to the whole.



According to the articles of the *capitulation* of Charles V. and of his successors, the emperor must reside in Germany: at least, unless important circumstances require his removal.

The electors may name, during the life of the emperor, a king of the Romans; and thus appoint him a successor: it is therefore the business of the emperor, if he wishes to have the crown descend to his next heir, to obtain this favour for him from the electors, while he has over them the ascendancy which sovereign power confers. The king of the Romans, thus elected and crowned like the emperor receives no power; and swears not to aspire at governing before the death of the chief of the empire.

If the imperial throne becomes vacant, the government of Germany pertains to the vicars of the empire. The two vicars appointed in the *bulle d'or* are the elector palatine, and the elector of Saxony. The necessity of preventing, by this appointment, the disorders and anarchy incident to a long interregnum, was pointed out to the legislature by the troubles and calamities which the empire had then recently experienced.

These two vicars have a right, during the exercise of their functions, to administer justice; present to ecclesiastical benefices; receive the revenue of the empire; invest with fiefs; and receive conditional oaths of fidelity: but they cannot, under

der any pretence whatever, alienate or mortgage the property of the empire. The administration of the elector palatine extends over the division of the Rhine, and to Suabia and Franconia: that of the elector of Saxony includes all the provinces which are governed by the Saxon laws.

In conducting my readers through these great points of the Germanic constitution, I could have wished to enliven the tedious details, by political reflections: but we were examining positive laws; and it was my business to point out what is, and not what ought to be.

I have run hastily over the constitutions of states which no longer exist, because there was no occasion for dwelling upon the subject of ruins. But Germany is in its full vigour; it is a collossus of power, placed in the midst of Europe: it was therefore necessary to observe all the parts of its government, in order to discover what it has to fear, and what to expect.

We have seen what are the fundamental laws of this empire: and in what manner, and under what conditions the honour of becoming its chief is obtained. It now remains for me to shew of whom its states are composed: what are the privileges of its princes: how it is divided: and to what number its inhabitants are computed to amount. We must likewise take a view of its diets; and observe how

they form themselves, in order to deliberate on all those matters which are incessantly presented to them.

We must not compare the states of Germany with those which are now assembled to regenerate France, and reinstate her citizens in their primitive rights. The latter have been freely elected by the will of their fellow citizens : and the only qualifications required of them, are a regard for the general good, and a hatred of injustice and the abuse of power : for these alone can inspire that honourable zeal which makes men ready to sacrifice every thing to public order ; to the encouragement of patriotic virtue ; to the discharge of the national debt ; and to the restoring of the national greatness.

The states of the empire enjoy the privilege of setting and voting in their assemblies on the following conditions : The princes, counts, and lords, must possess an immediate principality, county, or lordships. They must be admitted and registered in one of the circles of the empire : pay a tax proper for a state of the empire, agreeable to the regulation made by the diet : and they must, besides the consent of the emperor and electors, obtain that of the college, and of the bench to which they ask to be admitted.

Thus the right of suffrage is not attached to the person, but the property ; a rule which seems contradictory to reason : for surely the possession of a  
prin-

principality or lordship communicates not to the proprietor the capacity of giving good advice. But when vanity founds institutions, consequences are seldom considered.

These states are either ecclesiastics or laymen. In the first class are to be reckoned archbishops, bishops, prelates, and abbés: the other comprehends electors, dukes, princes, landgraves, margraves, burgraves, counts, barons, and the imperial cities.

The states assembled at the diet are divided into three colleges: that of electors; that of princes; and that of cities.

The number of electors was originally seven: the Archbishop of Mentz, Treves, and Cologne; the King of Bohemia, the Count Palatine, the Duke of Saxony, and the Margrave of Brandenburg.

At the time when the treaty of Westphalia was made, an eighth elector was added to the number, out of favour to Charles Louis, Count Palatine, whose father had been put under the ban of the empire, and deprived of his title of elector, that it might be bestowed upon the house of Bavaria. Thus the dignity conferred upon that house continued with it, and restitution was made to the family from which it had been taken.

The nomination of a ninth elector, in favour of the house of Hanover, was attended with many impeding circumstances. The honour had been granted by the Emperor Leopold to the Duke of

Hanover, without the concurrence of the electors : and many among them, particularly the catholic electors, saw with concern the protestant party strengthened by a new suffrage.

All these difficulties, both on the part of the electors and the princes of the empire, were finally adjusted under the Emperor Joseph in 1708, and the following conditions agreed upon by the parties. “ In case the dignity of elector palatine shall fall to “ a prince *of the confession of Augsburg* while the “ electoral branch of Hanover remains, the catho- “ lics shall enjoy a right of a supernumerary suffrage, “ which shall be given by the catholic elector first “ in rank.” The same treaty subjected the Elector of Hanover to pay an extraordinary tax, besides that usually paid, of 300 florins to the imperial chamber.

The first college of the empire, which was thus composed of nine electors, has comprehended only eight since the electorate of Bavaria became extinct. The second college is formed of those who are distinguished by the title of princes. These are divided into two classes : the ecclesiastics and the seculars.

There are in Germany twenty-two bishops, who enjoy the rank of princes of the empire. These bishops unite the episcopal rights, or ecclesiastical jurisdiction, with the temporal rights attached to their principalities : they receive their temporal investiture

vestiture from the emperor; and, from the moment of their investment, even before their consecration, they exercise territorial dominion.

There are of these prelates two classes: the first, who enjoy the title of princes, have each of them a suffrage: the others vote collectively, and are therefore united on two branches, which give two suffrages.

Among these states we likewise see abbeffes, whom, in all public acts, the German language styles *abbesses princières, ou non princières*. They have votes, and sit among the prelates.

All the counts of the empire are not admitted to the honour of sitting in the general diet. Some of them have only seats in the diet of the circle to which they belong.

Those who are counts by brevet only, do not sit in any of the public assemblies. They are in Germany what the brevet counsellors of state are in France, who have no part in the council.

The counts, who have seats in the diet of the empire, are divided on four benches, and have among them only one vote: so that it is rather the sense of the whole bench which is taken, than of the individuals who fill it. These counts however make part of the college of princes.

The barons stand next to the counts in the rank of nobility, and have seats with them in the diet.

The

The third college is formed of the imperial cities, which have rendered themselves independent. The greater part of these have obtained their freedom rather by conquest than purchase, which is certainly the noblest title to liberty.

When Charlemagne entered Germany, he found it without cities; and it was that conqueror who caused the first city to be built there.

Henry, surnamed the Fowler, followed the example of Charlemagne, in building cities for the purpose only of protecting the inhabitants of the country from the incursions of the Huns.

A change in the residence of men produces a greater effect than might be supposed in their government, and in their political ideas. They are no sooner assembled in a place of common abode, than they communicate to each other the sentiments which nature has implanted in every heart: their thoughts are purified and ennobled by this communication, and their minds conceive wishes for independence.

Twenty thousand families living detached and scattered over a great extent of ground will, for a long time, endure oppression and injustice, before they dare to breathe a murmur against their lord; who lives secured in a strong castle, and has a troop of armed hirelings at command, to enforce his authority: to labour, to pay, and to suffer, is therefore the hard lot to which these miserable families resign themselves.

Crushed

Crushed down by a load of wretchedness, the voice of instruction never penetrates their cabins; and they know nothing but their own weakness: while habit and the bonds of nature attach them to the soil they cultivate, though the fruits it produces must be shared with their oppressors. Thus whole ages roll away, and generation after generation of these unhappy people succeeds, only to suffer, before they have any idea of softening their condition; or, by breaking the yoke of servitude, resuming the natural state of man.

If men, in this oppressed condition, are so situated as to be afraid of the inroad of barbarous hordes, that fear is a means of prolonging their dependence: they then look up to the proud lord-paramount, whose idleness is fed by their industry, in no other light than as their necessary protector: the castle which domineers over their thatched cottages, appears an asylum essential to their preservation; and the master, who inhabits it, obtains from their fears and their hopes, all the services, all the unpaid-for drudgery which his caprice can invent or require. From hence have arisen all those shameful servitudes, distinguished by so many extravagant appellations, which have so extremely humiliated the laborious part of the human race. But these intimidated families are no sooner united in one city than, reflecting on the enormity of the tributes which they pay; on the baseness of the unrewarded



warded services to which they are subject ; and mutually communicating their indignation and disdain ; they proceed to put an end to that injustice of which they were the victims. Finding themselves able to resist the attacks of foreign invaders, by the strength of their walls, and their own number, they cease to regard their lord as an indispensable protector. They then seek, in some governing power, a refuge from signorial tyranny ; and if they have not always obtained, under their adopted chief, a perfect liberty, they have at least softened their servitude. It is in this manner that cities have insensibly weakened the power of those petty tyrants of the country, and strengthened that of sovereigns, by acknowledging but one supreme chief in an empire.

It is so much the interest of kings to favour this first independence, that they encourage it by concessions, and by granting privileges to the inhabitants of cities : and this is the origin of their immunities, which were proportioned to their populousness, and to the difficulty the monarch found in subjugating them.

The greater part of those cities in Germany, which now bear the title of *free cities*, acquired that distinguished title during the long interregnum. They annihilated the power of the imperial judges, and have now the honour, by sending their deputies

ties to the Germanic diet, of taking part in the government of the empire.

The privileges of these cities were all confirmed to them by the treaty of Westphalia. That treaty granted to them the right of voting by their representatives in both the general and particular diets : it also allowed them royalties, tolls, and annual revenues ; city freedom, a power of confiscation, and jurisdiction within their own walls and territories.

The deputies of the free cities are divided in the diet on two benches ; that of the *rheinische* and the *schwabische*. And each city has a suffrage.

These cities have a senate, the members of which are taken either from the burgeses or the nobility, or both together ; according as the government of the city leans to aristocracy or democracy : and they have a power of changing their form, provided they do not adopt one which is contrary to the laws of the empire.

These cities are considered as being under the protection of the empire : but there are some of them which, from their situation and their opulence, are so exposed to the danger of being attacked by foreigners, that before they can obtain from the emperor those succours, necessary for repelling invasion, they run the hazard of sustaining irreparable losses : the city of Hamburg has more than once experienced this distressing circumstance : and it was some years ago forced to make very great sacrifices, in order

order to remove from its walls a Danish army, which had laid it under contribution, on the pretence of the city having promised an asylum to an army of Russians, who retired without fighting.

The Danish general hearing of this treaty, though it never was carried into effect, made very pressing demands: and the Hamburgers, fearing to see the environs of their city, where the opulence of commerce had displayed all its luxury, become the prey of an army, jealous and determined on revenge, did not hesitate to pay the expence of the campaign of which they had been only spectators.

Cities which are desirous to maintain their independence ought to have, instead of agreeable country houses, good magazines well furnished; strong advanced works, instead of gates, finely ornamented by the arts; useful cannon, instead of those moving baubles, which only fill the air with an empty sound; and citizens, animated with a desire of liberty, instead of those effeminate sybarites, who are enervated by luxury and voluptuousness. If they prefer the delicacies of Capria to every other consideration, let them always possess gold enough to buy the retreat of the enemies who present themselves before their walls; and let them live in the continual terror of seeing those enemies come to lay them under contribution.

The right of convening the states belongs to the  
emperor.

emperor. They are convened by letters patent addressed to each state separately.

The diet must be held in one of the cities of the empire. It now sits at Ratisbon : and as it has continued to sit there since 1663, it is impossible to say how long it may yet continue, or what decrees may result from the opinions of those members who may still be worn out, die, and be succeeded by other members, before the object of their assembly is accomplished.

There can be no doubt that this august body of sovereigns, or their representatives, must view with inquietude the revolution of ideas which has taken place in the minds of men. Perhaps they may now never dare to publish their first decisions ; for pride is fearful of displaying her works in an enlightened age, and before the tribunal of the public.

A majority of suffrages makes a law in all matters which regard the empire and the states in general : but a majority ceases to be decisive in affairs of religion. When points of that delicate nature are to be determined, points to which the spirit of party attaches so much importance, the states divide into two bodies ; and they treat with each other, as one power does with another power, through the medium of the directors, who mutually communicate the result of the deliberations of each party : and the parties in fine agree, less from conviction than indolence and weariness.

After

After what I have said respecting the free cities, it will be presumed that they, having a right of voting in the diet, and forming a third college, must concur in the formation of a law : but the vanity of the electors and princes will not leave with them the appearance of legislators. After the three colleges have examined the matter proposed for their consideration, and given their opinions upon it separately, the electors and princes assemble in a hall, where they continue to deliberate on the subject until they come to a uniform opinion. The college of the cities is not admitted to this conference ; but the two superior colleges communicate their opinion to them : and whether that opinion be agreeable or adverse to its own, it is adopted by the college of the cities. The result is then presented to the emperor, and his approbation, if bestowed, gives it at once the force of law.

The cities have long complained in vain of this infraction of the treaty of Westphalia. They are told, in reply, that they send deputies to the diet : that those deputies give there their votes, which are received : and that it is undoubtedly their own fault if regard is not paid to them.—Why are they not sufficiently enlightened to vote in the same manner as the electors and princes ? This answer, extraordinary as it may appear, will always have considerable weight while it is given by a power so superior to that of the complainants.

If

If the emperor or the three colleges differ in opinion, the business remains undecided, and the farther consideration of it is put off to a future time : this is tantamount to a suspensive veto, equally vested in the members of the diet and the chief of the empire.

When a law is thus determined, the emperor, the elector of Mentz, and some others, affix to it their seals. The emperor then causes it to be solemnly published, and addresses it to the sovereign courts of justice, to be by them registered and adhered to without opposition and without remonstrance. A copy is afterwards deposited in the archives of the emperor, and another in the archives of the empire, kept by the elector of Mentz.

From this account of so many necessary formalities, it will not appear wonderful that so much time elapses before the publication of a new law, which is frequently produced with more parade than wisdom.

One of the great causes of the slow proceedings of these diets, and the difficulty of conciliating the suffrages, is the form in which the instructions given to the deputies are drawn up. M. de Montesquieu, who was struck with this inconveniency, made, with respect to these mandates, a very judicious observation ; which might have accelerated the decision of our national assembly, if the authority of that great man had met with the attention it deserved.

“It is not necessary (says he, in his Spirit of Laws) that the representatives, who have received general instructions from their constituents, should be particularly instructed by them in every affair, as is the practice in the diets of Germany. It is true that by this method the words of the deputies are more expressive of the voice of the people: but it must occasion infinite delay; give any one deputy the command of the others; and, in the most pressing emergencies, allow the whole energy of the nation to be stopped by the caprice of an individual.”

The power of the diet is not confined to interpreting the laws, or to proposing new ones: the right of making war and peace belongs also to the states. But as, in case of any sudden hostility, it might be dangerous to have the salvation of the empire depend on a diet which assembles and resolves so slowly, the capitulation of Ferdinand IV. authorised the emperor to take, in case of unforeseen circumstances, the opinion of the electoral college only.

The states must also be consulted in treaties of alliance: but the emperor, in quality of sovereign of a country which makes no part of the empire, contracts alliances, engages in wars and makes peace by his own authority: and perhaps, for this reason, it would be better policy not always to confer the imperial crown on a prince sufficiently powerful.

powerful to have no occasion for the assistance of the empire.

The same power which puts him in a condition to protect the states, furnishes him too frequently with the means of injuring their privileges. If the empire would have a chief formidable only as their defender, he must be deprived of the honour of prescribing its laws.

The subject I have undertaken leads me unavoidably into minute details, which may seem of too little consequence to deserve attention: but after having spoken of the legislative tribunal of the empire, it is incumbent on me to inform my readers of the powers which are charged with the execution of its decrees.

The first of these is the imperial chamber, now sitting at Wetzlar. This chamber administers justice in the name of the empire: and it is so entirely the tribunal of the empire, that the death of the emperor does not interrupt its proceedings. It determines on all the demands which are brought before it; whether they are sent there in the first instance, or by appeal from the decisions given in those states whose sovereigns enjoy not the famous privilege which is called *de non appellando*, and which forms one of the attributes of the electoral dignity.

The imperial chamber is bound to determine conformably with the fundamental laws, of which



I am going to speak, and which are founded on the Saxon and Roman laws : for it is still the fortune of these people to domineer over the minds of men, by the wisdom of their ancient legislators, when they can no longer command them by the force of arms.

Although the decrees of the imperial chamber are definitive, there is still a means of eluding its decisions : for the spirit of chicane will every where find resources, and opportunity of evasion.

The aulic council exercises its jurisdiction in the name of the emperor only. It is from him the judges receive their commissions ; and their functions cease at his death.

The aulic councillors are divided on two benches : the first contains the counts, barons, and other nobles ; the second is styled the bench of learned men. The new nobility are obliged to take their seats here, not, perhaps, without some apprehension of being taken for learned men ; for in Germany, where the feudal customs still hold dominion, it is one of the privileges of nobility to take precedence of merit : it would, however, be more prudent for these titled executors of the law, to secure themselves from going astray, by suffering the light to march before them.

The aulic council is always held near the court of the sovereign ; and in any important affairs it is obliged to submit its opinion to the emperor, whose

whose decision makes a decree. But as this manner of deciding matters is subject to great inconvenience, because the title of emperor does not raise a man above the possibility of erring, the electors have made the emperor swear never to decide in any affair, but in the presence of the president of the aulic council, of the vice chancellor of the empire, and of some counsellors of both religions, particularly if the parties concerned are of different faiths.

The means of evading the decisions of the aulic council are, by a revision of their decree, by petition to the emperor, and by an appeal to the diet.

I will run as rapidly as possible over these details: but though I am fearful of dwelling too long on uninteresting forms, I am no less afraid of omitting any important points of public law: the path of the sciences is not like that of the fine arts, always strewn with flowers.

Before I speak of the power and population of the empire, I must trace its divisions.

Germany is divided into nine circles. Those of Schwabia, Bavaria, and Austria, extend from east to west, along the south side of the German empire. On the north, lie higher and lower Saxony, and Westphalia; and in the west, Franconia and the two circles of the higher and lower Rhine. In these circles are comprehended the dominions of the house of Austria; of the electors; of the princes;

and of the imperial cities. There was formerly a tenth circle, the circle of Burgundy, which included the low countries.

The emperor Maximilian I. was the institutor of these circles; and his institution was confirmed by two diets. The objects of this division were to maintain internal peace; to hasten deliberations; to facilitate contributions, whether granted in money or troops; to hasten the execution of decrees passed against the states; and, in fine, to hinder the abuses of the nobles, by limiting, in a clearer manner, the confines of the territorial sovereignty pertaining to each state.

This division, as has been remarked by the author of the *Deplomatic Dictionary*, has not been as well executed as it was wisely conceived. All the states of the empire are not exactly comprehended in it: and sufficient regard has not been paid to the situation of the provinces. For instance, one part of the domains belonging to the circle of Austria, and others dependent on the circle of the higher Rhine, extend into the circle of Swabia: they should consequently have been included in this last circle. Similar irregularities are observable in the circles of Westphalia, and of the higher and lower Rhine. The states who possess no immediate territories, are included in one of these circles: thus the counts Palatine have votes and seats in the assemblies of the circle of Westphalia, although they possess

possess no property in the county, whose name they bear.

We must hope that there will not be the same cause to complain of the plan for the division of France into departments: the design of which is to unite the whole by new ties; make all tend to one common centre, by new interests; and to substitute, in the room of privileges and customs offensive to liberty, an equality of rights, and laws which will equally affect all citizens; and which, by effacing forever the word *province*, indicates that the French are now all fellow citizens, and have all but one common country. Thus shall a great nation, too long disunited by terror, and by the disproportioned assessment of imposts, be transferred into one immense family; whose members are resolved to have henceforth the same duties, the same taxes, the same prerogatives, and the same affections.

In Germany the circles assemble to deliberate upon their own interests, and those of the empire: these assemblies are rarely attended by all the circles; and as they might interfere with the long and grand business of the diet, they are suffered to fall into disuse.

Since the year 1691, the wars with France have frequently occasioned alliances between the interior circles, situated along the Rhine: they united on these occasions, in order to watch mutually over each others safety, and that of the empire.

Notwithstanding all the defects which I have remarked in the arrangements; this grand confederacy of princes, of states, and of free cities, for the mutual aid of each other; and that they may present themselves all at once like one prodigious power to the enemy, is a grand political system.

Germany, by the union of her princes, presents to our view a republic of sovereigns. “ This sort  
 “ of republic (says the author of the Spirit of Laws)  
 “ capable of resisting external force, may maintain its greatness, unless it should become internally corrupt: for the form of the Germanic  
 “ society prevents all inconveniencies. A person  
 “ disposed to become a usurper, could scarcely  
 “ gain an equal degree of influence through all  
 “ the confederate states: and by rendering himself  
 “ too powerful in any one state, he would alarm  
 “ all the others. If he subjugated one part of the  
 “ empire, the parts still free would resist his usurpation, with the forces they could command, independent of him or his usurped power; and  
 “ overcome him before he could be perfectly established. If any member of the confederacy  
 “ proves seditious, the others can appease the sedition. If any part should be tainted with  
 “ abuse, the evil will be corrected by the healthy  
 “ members. This state may perish on one side  
 “ without perishing on the other. The confederacy

“deracy may be dissolved, and the confederates remain sovereigns.”

There still exists in Germany, the remains of an ancient confederacy, of which I must make mention: it is that of the Hans towns. They united under the name of the Hanseatic Society, during the long interregnum; and their object was to repel the enemies of their maritime trade. Hamburg and Lubeck were the first cities which formed this alliance: and when they were seen to increase daily, by means of that commerce which the pirates had till then disturbed, and which this union now rendered more secure, the neighbouring cities desired to unite with them, for the sake of enjoying the same advantages. This society was called *hanse*, from *anse*, that is, *on the sea*, or perhaps from the old word *hansa*, which signifies commerce.

The sovereigns of different states, in order to draw to them the trade of the hanse association, which became very considerable, granted many privileges to those associated cities, which contributed to increase their greatness.

Lubeck, Cologne, Brunswick, and Dantzick, were the four chief cities of the association; and Dunkirk, Bordeaux, Saint-Malo, and Marseille, were admitted into the league. The strength of this confederacy was impaired by degrees, as the princes became jealous of its greatness; and these princes at length destroyed it, by establishing, in their  
their

their states, great commercial companies, to which they granted greater privileges than had been enjoyed by the hanse association. The circumstance which had then produced the prosperity of the hans-towns, now became the cause of their ruin : I mean their distance from each other ; for as it had enabled them to engage in a more various and more extensive commerce, so it now prevented their uniting immediately against their enemies. As these cities became more sensible of their weakness, they were less united among themselves ; and each city being willing to repair at the expence of the other cities, the losses it sustained by the decay of the establishment, they came in time to hate each other.

In the end, some of the hans-towns, not being able to furnish their quota of the general contribution, renounced a society which was grown burdensome to them. Thus the hanse league which was so powerful, when it held four score cities in alliance, fell by little and little into the state in which we now behold it ; with only three cities, Lubeck, Bremen, and Hamburg, remaining associated.

France has not disdained to conclude treaties of commerce with these three cities, and to send commissaries thither ; but these have only the title of deputies.

We

We have seen in the German constitution, a solemn confederacy of many sovereigns, united for their mutual defence; for supporting their authority; and protecting the weaker part of its members. The principal object of this grand alliance, was the maintaining the sovereignty of the confederates over their vassals: but it is the glory of the present age to display a league more wise in its views, more grand in its consequences, and more salutary in its effects: it is the league of all the provinces of a great empire, not against its chief, to whom they have never ceased to be faithful, and who renders himself every day more worthy of their attachment: but against the agents of an arbitrary authority; against the tyrants of the people; and the oppressors of that peasantry whom they wounded by humiliations; overwhelmed with taxes; and whose very subsistence they devoured.

The effects of this happy confederacy, will be the restoring to man his original pureness; communicating to the law that character of justice which ought to be its inseparable adjunct; circumscribing the power of tribunals within reasonable limits, and making them easily accessible to all those whom the credit and influence of the rich might be employed to keep at a distance; and in fine, submitting all citizens, without distinction, to the dominion of equity.

The



The consequence of this beneficial alliance will be, that the revenue raised from the contribution of all persons possessed of property, instead of being the prey of a courtier, will be no longer turned out of its proper channel, but be appropriated to the encouragement of the industrious and the brave, and to discharging the public debt.

The empire will cease to be an unnatural assemblage of idleness and rapine; of misery, ashamed of its existence; and riches insolently triumphant; of mercenary soldiers with scarcely any pay, and pensioners without any title to reward: in short, of daring execution, and timid sufferings.

Property will now be respected; and the national glory, which, in the eyes of all Europe, appeared in its wane, shall now rekindle with new lustre. Those who believed themselves living only under a monarchy, shall find themselves existing in a nation: those who trembled at the aspect of a sovereign, shall now look up to the monarch as a father: and the men who once considered themselves as his subjects only, will now be honoured with the rank of his fellow citizens.

Those melancholy recluses who sighed under the yoke of engagements destructive to the human race; and into which the delirium of youth had hurried them, will now see their privations and their servitude terminated in a manner very different from death.

Talents,

Talents, now at liberty to take their course without restraint, will spread themselves throughout all the useful professions; and shame will in future be attached to nothing but idleness and injustice.

Such a confederacy, formed with so noble a design, deserves, it must be acknowledged, more homage from mankind, than that whose agreement and power we have just been contemplating.

CHAP.

## C H A P. VII.

OF THE EMPEROR: OF HIS CORONATION: OF  
THE ORIGIN OF THE ELECTORS: AND OF THE  
FORCES OF THE EMPIRE.

**B**EFORE I speak of the population and the forces of Germany, I shall venture to touch upon the ceremonies of the emperor's coronation; and upon the etiquet and precedency, the delights of which are so intoxicating to the vanity of mankind, before reason has taught them to understand their true value.

Four crowns once united to adorn the brow of the emperor: those of Lombardy, Arles, Rome, and Germany. These were surely crowns enough for one prince! Alas! how many princes find themselves borne down by the weight of a single diadem!

With the ancient kings of Lombardy the symbol of royalty was the lance. The first crown used in that kingdom, and which was not probably of very precious materials, being no longer in existence, Henry VII. caused one to be made of steel, in form of a wreath of laurel, and ornamented with precious stones. That with which Charles V. was crowned

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at Bologne is composed of a circle of gold, bound on the inside with a small rim of iron; which ought to be more valued than the richest mettle, if, as is pretended, it is made of one of the nails which aggravated the sufferings of our supreme legislator.

Charles V. was the last emperor who received the crown of Lombardy.

The emperor Conrade, the salic, was the first prince crowned king of Arles, after he was put in possession of that kingdom: but this coronation is now disused, and the imperial brow deprived of one of the diadems with which it was formerly adorned. Indeed since the chief of the empire has no longer caused himself to be crowned at Rome, his four crowns are reduced to one only.

The Germans formerly invested their sovereign with royalty, by shewing him to the people, borne upon a shield; or by presenting him with a lance, in the manner of the Lombards.

According to the *bulle d'or*, the coronation and consecration of the emperor ought to be performed at Aix la Chapelle; which is the city in which Charlemagne resided. The archbishop of Cologne, in quality of archchaplain of the chapel erected by that emperor, maintained, for a long time, the exclusive right of performing the act of consecration. The elector of Mentz, as primate of Germany, contested with him the right: but this war between the prelates fortunately occasioned nothing

thing more than those innumerable writings which were all buried under an act passed in 1675, which directs “ that the elector of Mentz shall employ all  
 “ his care to cause the coronation to be performed  
 “ every time at Aix la Chapelle, or at least in some  
 “ city in the diocese of Cogn : but in case of any  
 “ lawful impediment, he, of the two electors, in  
 “ whose diocese the emperor shall be crowned,  
 “ shall perform the consecration : and that out of  
 “ the two diocese the two archbishops shall alter-  
 “ nately consecrate the emperor : beginning how-  
 “ ever with the elector of Cogn.”

I know not whether the elector of Mentz has, as he is bound by this act to do, *employed all his care* to cause the emperor to be crowned at Aix la Chapelle; but it is certain there has not been a coronation in that city for the last two hundred years.

When the emperor has fixed the day for his coronation, the secular elector's appear on horseback and attend his majesty to the door of the church.

The hereditary arch-marshal bears the imperial sword; the hereditary marshal bears the scabbard; the arch seneschal the imperial globe; the arch-chamberlain the sceptre; and the arch-treasurer the crown. The three ecclesiastical electors receive the emperor in the church, where he promises to be obedient to the catholic church, and to the Roman pontiff; to govern with justice; and to assert  
 and

and recover the rights unjustly taken from the empire.

This oath is very difficult to fulfil; for how can an emperor remain obedient to the pontiff of Rome, and recover the rights of which he has deprived the empire? It surely would not be an act of obedience towards him, for the emperor to resume all the rights usurped in the empire by the court of Rome. But the monarch perhaps judges it better to be perjured, than to spill the blood of men. When *Te Deum* has been chaunted, the emperor, seated on a throne, confers the honour of knight-hood: but afterwards, entering into the conclave, he appears to profane eyes, to descend from his greatness; for he there takes a new oath, in the character of a canon of the church of Santa Maria, of Aix la Chapelle. However august the title of canon may be, it does not seem to add glory to the emperor, by being enumerated among those which precede his manifestoes.

When all these ceremonies are over, the emperor, under a canopy, and surrounded by the electors, who are on foot, returns to the imperial court. There the arch-officers of the empire perform their functions, and serve the emperor, who sits alone at his table, which commands that of the electors. Envoys are not admitted into this hall, but there is a table for the princes.

The imperial ornaments were formerly kept by the emperor : but after his death, those who seized them believing they had from thence a right to the empire ; to prevent such absurd pretensions, which were frequently attended with bloodshed, these ornaments were committed, by the Emperor Sigismund, to the keeping of the city of Nuremburg : and it has still defended this privilege, which has been continually attacked by other cities of Germany, particularly by Aix la Chapelle. The disputes on this occasion have been the subject of much writing and commenting by the politicians of Germany ; for no country could abound more in champions, deeply versed, and ready to take part in, every thing which related to ceremonies and ancient usages.

The Germans for a long time mistook this kind of erudition for learning, and were astonished that it should weary learned men. Those who attached themselves entirely to important truths, and to the principal points of history, passed with them for superficial writers : but when they began to elevate their thoughts, and to soar towards a higher sphere, they found it necessary to disembarass their pinnions from the mud which weighed them down, and prevented their expansion.

The imperial ornaments are two golden crowns, one the imperial and the other the Germanic crown : the ring of Charlemagne : the globe of gold

gold and two swords. The robes are, among others, a cope, a tunic, a stole, a Dalmatick and a girdle. The cope, the stole, and the Dalmatick seem not very well adapted to the successor of the Cæsars: but they are only displayed during the ceremony of the coronation.

The only titles assumed by the emperor are these: "We by the grace of God, elected Roman emperor, always august, king of Germany." The arms of the empire are a black eagle with two heads, charged with an imperial crown.

Authors are bewildered with respect to the origin of these arms. Some pretend them to have been assumed in consequence of a victory gained by the Germans over Varus, who left to the enemy two of the Roman eagles. Others suppose the two heads to represent the division of the eastern and western empires. But these inquiries are not sufficiently important to spend time in ascertaining the truth.

Foreign powers give the emperor precedence, and his ambassadors take the lead of those of the other princes of Europe.

The empress participates the rank and dignity of the emperor; but she has no share in the government of Germany: and if we have seen one great empress act an important part in the empire, it was because she was supported in it by the states.

The empress has, like the emperor, her arch officers and is crowned with great solemnity.



The electors were originally no more than the chief officers of the emperor: and though they are now sovereigns they preserve the titles of their ancient appointments. The elector of Hanover is the only one who does not yet hold any office of the empire: for he has not been able to obtain a confirmation of the title of arch-treasurer, which the elector palatine ceded to him; but which is disputed by the elector of Bavaria. Thus the king of England adorns himself in vain with this distinction; since another sovereign always protests against his usurpation.

The king of Bohemia is arch-cup bearer: the count palatine arch-seneschal, or arch-master of the household: the elector of Saxony arch-marshal: the elector of Brandenburg arch-chamberlain. Such are the illustrious officers who ennoble even domestic service.

Those officers, whose appointments originally attached them to the person of the emperor, have thrown off that dependance, by attaching their offices to the empire, as is the case with our great officers of the crown. Their estates, by making them sovereigns, and setting them free from the sovereignty of the emperor, have enabled them to support their pretensions; and to usurp over the clergy and the nobility the exclusive privilege of naming the emperors. They have verified this verse of Ovid.

*Elegit unanimis cleri procerum que voluntas.*

*The unanimous will of the nobles and clergy makes the emperor.*

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Charles IV. confirmed this usurpation : but he was so little animated with the spirit of justice, in granting to the electors, by a fundamental law, the exclusive privilege of proceeding to the election of a chief of the empire that he placed in the number of electors the king of Bohemia, though his dominions were originally separated from Germany ; and he had not even admission to the deliberations of the states of the empire. But this partiality is explained, when we recollect that Charles IV. had himself been king of Bohemia, and he was desirous to invest his successors with the right of suffrage. If we trace the laws in general to their source we shall find that almost all of them, like this in favour of the king of Bohemia, have originated in the personal interest of the legislators.

The electors give precedence only to those princes who are crowned : they have the title of majesty ; and they judge their subjects without any appeal from their judgment. This right is, however, restrained, more or less, in some of the electorates.

The right of being an elector may be obtained, either by election or succession : the three ecclesiastical electors are elected : the others are raised to the honour by succession.

The electorates are not devisable : for the eldest surviving son of a legal marriage, by which the father has not contracted any disproportionate al-

liance, can alone succeed to the right of being an elector.

This rigid condition extends to the other princes, and this is the reason why those marriages which are termed *mesalliances* (marrying beneath ones-self) are so infrequent in Germany: a father is not willing to run the risk of seeing his children deprived of the honour of sitting among the states of the empire.

We have seen that, according to the *bulle d'or*, it is only necessary to be *good, just, and useful*, for being elected chief of the empire: but to be a prince, a man must be the son of a prince, and by the daughter of a prince: qualifications which are, perhaps, after all, less rare than an excellence in the three requisite for an emperor.

The emperor gives to the ecclesiastical electors, the title of most reverend and nephew; and to the seculars that of most serene and uncle.

The electors have the right of assembling without the concurrence of the emperor, and without his being able even to send an ambassador among them. Their envoys or proxies have precedence before the princes of the empire, and kings give them the title of brothers.

The whole progress of usurpation is evidently seen in these constitutional points. The officers of the emperor begin by styling themselves officers of the empire. After having had a share with the  
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When the empire is threatened with, or projects a war, each circle must furnish a certain number of troops, both cavalry and infantry, armed and equipt for service. According to a decree of the diet in 1687, the standing army of the empire must always consist of thirty thousand infantry and ten thousand cavalry. This army is augmented according to circumstances: and, in 1703, in consequence of the war about the succession of Spain, the empire had one hundred thousand men in its pay. Each circle then levied on the princes and free cities of Germany, within their respective limits, the quota of troops which they were bound to furnish for the service of the empire.

The imperial army, thus formed of the troops collected from so many different circles, is never very formidable at the first opening of a campaign. Even their forty thousand standing forces are not then complete; because the circles do not maintain the number of men with which each of them

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is charged; and these soldiers are neither more warlike nor better disciplined than the late militia of France: their arms are not uniform; and their baggage, including their whole equipage, which follows, instead of accompanying them, arrives in the greatest disorder. The general, who commands these different corps, cannot venture to proceed in his measures, until they have been all new disciplined, properly equipped, and practised in the military exercise.

No state must however judge of the forces of the empire by this first view of its army; or venture to make war against it, in expectation of finding a feeble enemy: an opinion so formed would be as fallacious as if a man were to judge of the revenue of a country by the sums which are contributed by a few individuals. There are princes in Germany who furnish, as their quota to the circle, only a few horse and foot soldiers, who are able to raise armies within their own states, sufficient to oppose very powerful invaders, were they to be attacked. The prince of Hesse, for instance, has an army of twenty thousand men, well appointed and composed of the best soldiers in the empire.

The name of Hesse awakens a melancholy remembrance! It was this prince who, to fill his coffers, let out so many of his subjects to England, to serve in the last American war; not under the standard of liberty, but the bloody flag of despotism.

These

These unfortunate wretches, torn from the bosom of their country, saw themselves counted over to the hirer like beasts; transported beyond the ocean; armed against men who had never offended them; and condemned to massacre the generous inhabitants, who had formed no other intention but to free themselves from a shameful dependence on the mother country, which had treated them like illegitimate children.

The sovereign of these Hessians sold them by the head, as the ferocious African sells his timid slaves to the insatiable European, who chains them, and crowds them into his floating prison, in which they are hurried away, to labour under a scourge of iron upon a foreign soil.

By this agreement, equally disgraceful to both the contracting powers, the English were obliged to pay as much for those Hessians, who should be maimed, as if they had been killed. Alas! what an account was here opened: what a balance was to be struck between the two sovereigns at the end of the war. Who could attend to the horrid calculation, without shuddering? You have delivered to me so many of your subjects, to be employed in cutting the throats of mine. Five hundred died in the voyage. Two thousand perished in different actions. Three thousand have been wounded in such a manner, that they can exist only by the assistance which pity may afford them: consequently I owe  
you

you such a sum. Here it is—treasure up these guineas in your coffers; and disperse through your state the unhappy witnesses of my defeats, and of your shame.

The emperors formerly commanded the army of the empire in person: but as the choice of the electors could not always fall on an excellent general, it was judged more prudent to create two marshals of the empire, one of whom is a catholic and the other a protestant. There are maintained besides, a general of the cavalry; a grand master of the ordnance; and two lieutenant-generals. These military officers are truly the officers of the empire. Men of the most distinguished merit have held those of marshals of the empire. Prince Eugene, the Prince of Anhalt, and the Duke of Wirtemberg were among the number.

The empire has but very few strong places. Even Philipsburg, built upon the bank of the Rhine, can scarcely be counted such, though the taking of it cost the French so much blood in the year 1735.

The empire undoubtedly ought, after its treaties with the different powers of Europe, to have remained in a state of perfect tranquillity. By the treaty of Utrecht, all cause of contention between it and Spain appeared to be done away: and yet, that treaty having only determined that Charles VI. should continue emperor, and that Phi-  
lip

Philip V. who, like him, aspired to the succession of Charles II. should be king of Spain, there arose difficulties between the two powers, respecting some states in Italy which depended on the succession of Charles II. who was of the Austrian line. The successors of Philip V. always pretended a right to these states; and the house of Austria, as well as that of Lorraine, as constantly disputed their pretensions.

If sovereigns did not chuse, from some motive of secret policy, to leave in existence certain causes of rupture, of which they might take advantage, when a favourable opportunity was presented, the reigning house of Spain and the house of Austria might have stifled these unhappy seeds of war, by another treaty added to that of Utrecht.

The two powers which the empire has always, in despite of treaties, regarded as its natural enemies, are France and the Port. It is true that the possessions which France enjoys along the Rhine, may give umbrage to the empire. But what would Germany gain by extending its dominions and breaking down the limit, which separates it from its rival? Conquests can only be maintained by the conqueror being always ready to defend them: and their preservation costs more than they produce. Louis XIV. plainly proved, by the treaty of Ryswick, that he perceived the necessity of sacrificing all which he conquered beyond the Rhine: and  
France

France has again made the same sacrifice in the treaty of Vienna.

Since it is become the policy of the French government not to extend the limits of her dominions as they were fixed by the last treaties, why do the Germans, indulging still their ancient prejudices, consider France as their natural enemy? France which by stopping the ambition of the house of Austria, prevented the imperial crown from being made hereditary? France, which has guarded her princes from the usurpation with which they were menaced: and supported the elector of Bavaria against the chief who sought to oppress him. Have not the elector Palatine and the elector of Treves the greatest reason to prevent a rupture, since the French could not penetrate into the bosom of the empire, without passing through and destroying their principalities? What indemnification did the elector Palatine obtain from the emperor for the ravages, for the conflagrations of which he was a witness; and which would have destroyed the glory of Turin, if he had not, from necessity, obeyed the cruel orders of the implacable Louvois?

Let the preceptors of the Germans, let their gloomy politicians, cease therefore to sow the seeds of hatred against the French in the youthful minds of those who listen to them as oracles; and, who through their means, retain prejudices, which time and reason find so much difficulty to eradicate, when they are once deeply impressed.

The

The prelates and petty princes of Germany are, at this time, willing to oppose the work of wisdom and justice, by preserving over the French those rights of servitude, which humanity is about to abolish: and they dare even invoke treaties in support of their demands. If they will refer to treaties, when natural right should be the only consideration, let them at least talk no more of that of Westphalia, which, in fact, imports *that the cities and signories in Alsace shall be maintained in the same state; and that the king of France can there exercise only those rights which would have pertained to the house of Austria.* Let them read the treaty of Ryfwick: they will there find, *that the emperor and the empire cede to France, Landau, and its territory; Strasburg likewise, with all its dependencies, situated on the the left bank of the Rhine, with all the rights of sovereignty and other rights.*

They will see in the fourth article of the same treaty, that it is only said, that *all the places and all the rights seized upon by the king of France beyond Alsace, shall be restored.* From whence M. de Mably concludes, with reason, that the interior part of Alsace having never been reclaimed, its reunion with France is valid; and it of course makes part of the dominions under the sovereignty of France.

If the empire and France, which were then at war, did, by mutual consent, in the treaties of Ryfwick and Westphalia, set aside all former instruments with respect to the interior part of Alsace, the territories



ritories of Landau and the dependencies of Strafburg, situated on the left bank of the Rhine: if the terms upon which France relinquished Friburg, and all the forts erected by her upon the Rhine, were that she should enjoy in security the country which was ceded to her, with all the annexed rights of sovereignty; the princes of the empire can have preserved in the lands comprised within the domains so ceded, no other right than that of French lords: neither can they have any pretensions to deprive their vassals and dependents of those advantages and franchises, which must extend to all subjects who have no sovereign but the nation, the law, and the king.

In developing these political truths, and this system of natural prohibition of tyranny, I am far from wishing to oppose any scheme which may be devised of indemnifying the German princes or signiors, for the revenue which they received, and which they might lose, according to the new plan of legislation.

Perhaps we ought not to expect from these foreigners, who exist amidst feudal ideas; and who belong to a body whose principles are so greatly inferior to ours; that they should all at once ascend to that noble disinterestedness; to that generosity, worthy of ancient chivalry, which at this day adorn with new honour the French nobility and men of landed estates: but to sacrifice despicable  
con-

considerations, to idle fears, the uniformity of our enfranchisement; to break in upon this beautiful system of equal freedom, which should extend over the whole face of the kingdom, would be a disgrace to the nation and its legislators; and deprive the monarch of the glorious title he has adopted: that of, *king of a free people.*

Were the claims of the German princes admitted, the people of Alsace might say to France, “ We  
“ are not your subjects, for we are not free. The  
“ duties of servitude and of mortmain keep down  
“ our title of freemen, and debase us in the eyes  
“ of our fellow citizens: let France separate us  
“ from her empire, or let her allow us to partici-  
“ pate the honour of liberty; for then shall fo-  
“ reigners no longer come to injure us even in the  
“ bosom of our nation, by fixing upon us the  
“ badge of slavery.”

If Joseph II. had not turned his arms against the Port, there is reason to believe that the Ottoman power would not for a long time have troubled the repose of Europe. But the house of Austria, always ambitious of extending its dominions, after having enlarged them at the expence of Poland, seized the occasion of removing to a greater distance the limits of those states, which served as a barrier to the empire.

The time is now passed, when the successors of Mahomed united those invincible warriors under  
his

his standard, who bore terror into the bosom of Germany. The secret of their impotence is no longer concealed; and it is now known that a wise system of discipline will break the most impetuous, the most valiant troop of barbarians; and overturn and destroy their most formidable force.

The empire is composed of near three hundred states, which depend immediately upon it; and the inhabitants are estimated at twenty-five millions, who can scarcely find subsistence in the country, though the soil is fertile. Germany, it must also be observed, furnishes troops to almost all the powers of Europe. Holland, and Denmark in particular, are continually drawing recruits from thence.

The cities and villages of Germany stand so thick that it is difficult to trace their divisions on the map: there is not even a forest uninhabited, and many families have established their dwellings under ground, in the mines of Hartz in Saxony. Who knows whether these subterraneous inhabitants, whom we suppose to be so miserable, and who have no idea of many of our enjoyments, may not find amends for every privation, in a degree of tranquillity which we can never taste! We, who are forever the prey of cares, of rivalships, and of ambitious schemes, which must surely be confined to the surface, and never penetrate the bosom of the earth!

This

This country abounds with mines: many of those which produce silver are worked for the emolument of the respective princes, in whose domains they are found; and they coin the produce into money; which gives rise to much abuse, and to many regulations which are always infringed. The laws forbid the states, under pain of forfeiting their rights, from coining specie any where but in the cities appointed by each circle; but there is an exception in favour of those states who have mines belonging to them. This is a bad exception: the property of a mine ought not to give a dispensation for coining the metal extracted from it, without sending such metal to the city appointed by the circle, for the purpose of coining.

The laws direct that all money, newly coined, shall, before it can pass current in Germany, be assayed in particular assemblies. According to the same laws, this proof ought to be made once in a year by assayers appointed for the purpose, to know whether the money is of the true standard.

This wise law is however fallen into disuse. Each prince, ambitious of seeing money circulate with the impression of his name and arms, abuses the privilege granted him, of striking small coin, for the use of his own territories: he causes large pieces of money to be coined of the proper standard, and then converts them into others, in which there

is a considerable alloy, and by that means obtains a very shameful profit.

The last capitulation or election agreement of the emperor imports, "that whoever shall infringe the laws respecting the coinage of money, shall be deprived of the right of coining, and of his seat in the diets. That the state who shall be once deprived of these rights, cannot be restored but by the consent of all the states." But when so many princes have an equal interest in eluding a law of which they are the arbiters, how can we expect its execution?

The states of Germany farm out to foreigners their right of coining money, and share with them the profit arising from it. Is not this encouraging fraud, and making themselves accomplices in it?

After what we have seen, it will not appear astonishing, that the German money should be in such disrepute in mercantile cities. The ducats of the Elector of Brandenburg are only of eighteen carets, and those of Bavaria and Wertemburg are much about the same standard, although the laws of the empire direct them to be of twenty-three carets. But in Holland the law is strictly conformed to; on which account their ducats bear this inscription, *money of the United Provinces, fabricated according to the laws of the empire.*

One of the other vices of the German constitution, is the great number of tolls which the princes have

have established in their states, and which load the merchandise sent through their territories, with a multitude of imposts. These imposts, destructive to commerce and oppressive to travellers, have been limited by regulations; but it would have been more wise to suppress them entirely throughout the empire.

The revenue of the empire was formerly very considerable. Under Frederick I. it was estimated at sixty talents of gold, which is nearly equivalent to a million sterling: but it was so greatly diminished during the long interregnum; that, in the reign of Rodolph of Hapsburg, it amounted to no more than twenty talents: and the successors of this prince have reduced it, by their bad œconomy, their concessions, and alienations, to so moderate a sum, that it scarcely defrays the expence of collecting.

The emperor and the states have hitherto made only vain efforts to re-establish the imperial domains; and by the last capitulation, the emperor engages “ never more to alienate any domain of  
“ the empire: to restore all the principalities, sig-  
“ niories, and countries, which may have been de-  
“ tached from it by alienation or mortgage, so  
“ soon as these engagements shall be expire:  
“ and to restore, according to the advice of all the  
“ electors, the possessions which he or his family  
“ may enjoy without a legal title.

“ Fiefs of any considerable produce, such as an  
 “ electorate, principality, county, or city, which  
 “ shall revert to the empire, shall be no more given  
 “ in fief, without the consent of the electoral col-  
 “ lege, if it is an electorate : without the consent  
 “ of the electors and princes, if it is a principality :  
 “ and without the consent of all the three colleges,  
 “ if it is a city.”

This capitulation imports, that “ the reversions  
 “ which may have been promised to the states,  
 “ shall be granted.” And these reversions are  
 so extensive and so numerous, that the design  
 of enriching the imperial revenue by consolidating  
 with it any domains which drop in, must remain for  
 ages without effect.

I believe I have now sufficiently explained the  
 German constitution, to give a just idea of the for-  
 mation of its states ; and of the privileges of its  
 electors, its princes, and its free cities. I have col-  
 lected all the information which I found scattered  
 in many volumes, in order to form an epitomy  
 which might be easily understood.

Our old politicians gave too much praise to this  
 form of government, and modern writers have per-  
 haps condemned it too severely ; but the eulogist and  
 the censurer seldom confine themselves within the  
 line of justice. The Germanic constitution has cer-  
 tainly many imperfections, many defects ; but superior  
 as ours will be, how can we assure ourselves, that  
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It will meet with general approbation? that we shall not be obliged to amend some parts of it? It is time, it is experience, which must discover what is bad in the regulations of a great association.

The most striking faults in the German system is, that, for a long time past, the chief of the empire has had too little power, as emperor; and too much, as sovereign of those states which he presides over, as his hereditary dominions. All the princes of the empire are, in their own territories, absolutely independent of him: and the diet is become a heavy inactive body, the *log*, whose stupidity is braved by the states. If the emperor was armed with a more restrictive power; with a power truly executive; he could stop the vexatious tyrannies of these petty despots, who are guilty of a thousand acts of injustice in their states: who alter the money: enfranchise the nobles at their pleasure: sell their subjects: assess upon them arbitrary taxes: and give a criminal indulgence to the members of their own college, because they stand in need of the same lenity themselves.

It might not perhaps be paradoxical to assert, that the German constitution, such as it now is, bears a strong resemblance, nay, is indeed very near the same which existed in France, under the second and the beginning of the third race of its kings. Were not the dukes of Burgundy and counts of Champaign sovereigns in their respective states;



while the kings were reduced to their own domains? It was the policy of the French monarchs which made the difference: they increased their sovereignty at the expence of that of their vassals: while, in Germany, the vassals extended theirs by incroachments on that of their emperor. The French throne is no longer elective: the imperial throne is become so. In France the great officers of the crown had formerly principalities and provinces: they now have salaries. In Germany the great officers had salaries; but they now have states and kingdoms. Before the election of the emperor is sanctioned, the states prescribe laws to them; in France the king has never hitherto received laws from any of his subjects, but has made laws for all. In Germany the empire and the emperor are two very distinct things: in France the monarch and the monarchy are but one. People never said, the king and France: but they always say the emperor and the empire.

Notwithstanding all these vices in the German constitution there is reason to believe that it will still support itself for a long course of years.

A return to liberty is not easily brought about in a country divided into many sovereignties; because there is no agreement between the projects formed by its inhabitants. If the subjects of one prince are discontented, and resolve to break their chain, the subjects of another prince, who are unacquainted with

with their sentiments, cannot second their resolution. From hence it results, that the vassals of the same empire cannot depend on reciprocal aid from each other; while the princes are assured of assistance from all their equals: there is consequently reason to believe that the domination of these princes may yet continue for ages: while all idea of enfranchising their subjects is very distant, if not wholly chimerical.

I shall now take my leave of Germany and proceed to Poland: and in examining the constitution of that state, which is at once republican and monarchical, we shall see whether it is capable of receiving the plan of government traced out for it by the philosopher of Geneva.

While I am thus running through the principal constitutions of Europe, that of France, which at my setting out had scarcely received the first principles of life, unfolds all its parts before me, and affords me an opportunity of comparing the works of past ages with that of the present period. But let us not forget, that however excellent this constitution, so much desired, may be found, it can only agree with the people, if their manners, if their ideas become purified as much as their government; and that they render themselves worthy of receiving it: if it is to do every thing for our happiness, let us neglect nothing for its prosperity. But sacrifices are made reluctantly by the rich!

and yet what can they do better with the gold which they are at this moment concealing and carrying away, how can they employ it more nobly, than by insuring their own liberty and the liberty of their descendants?

Those men are unacquainted with their true interest, who separate themselves from their country at this public crisis; and who, giving way to mistrust, stifle public credit by exaggerating every thing which they conceive to be a cause of alarm. Thus do they realize the evil which they dread: and thus render the misfortunes, whose bare idea distresses them, inevitable by their own imprudent conduct. By seeking to preserve all, they lose every thing!

How universally would that people be admired, who, circumstanced as France is at this moment, should, shew a noble generosity; and, placing all their confidence in the virtue of their chief, and the justice of their representatives, demand only from the state receipts for all their treasure poured into the public coffers; and wait the return of national credit, to receive again their specie.—Who should unite against those miscreants who after disordering the revenue of the state, shrunk away from paying to a legal impost, though at the risk of seeing the national honour endangered in consequence of their conduct.—Who should overcome the malevolence shewn by other nations, in prohibiting the  
import,

importation of all articles which make the balance of commerce turn in favour of the importer. And who should convince the world by their sobriety and œconomy that the great public work, which their nation was engaged in, occupied all their thoughts, absorbed all their desires, and that they wished for no other motto than *liberty for us, and justice towards all the world.*

**CHAP.**

## C H A P. VII.

## OF THE CONSTITUTION OF POLAND.

**W**HEN we see what Poland is now, we can scarcely believe what she was in the tenth century, under Boleslas the conqueror of Russia; and afterwards under the great Casimir. Her glory at those periods, and the generous efforts she has made, to maintain her liberty, seem now entirely forgotten. Who could, at this moment, suppose that the Poles had been the terror of the Turks; the deliverers of Venice: and that if they did not reduce Prussia to be a province of their kingdom; it was because they knew not how, under Jagellon, to make a proper use of their victories.

Poland has hitherto been exposed to destruction from three causes:—the neighbourhood of Russia; that of the Turks; and the vices of its own constitution: while, on the other side, it possessed two means of defence, in the Cossacks, and in the superiority of its cavalry. But the Cossacks have now abandoned them, and joined their enemies the Turks; their cavalry is very much weakened; and the vicious parts of their constitution domineer over every thing.

Poland

Poland has not been enabled to support itself, amidst the horrid revolutions it has experienced, by its own strength; but by the favour of a system of policy, which made it the interest of three rival powers, that neither should aggrandize itself at the expence of that kingdom. These three powers at last suspended their hatred, and agreed to spoil in consort an unhappy country; now reduced to such a state of weakness, that its three enemies can only suffer it to subsist as a nation out of pity; or until, by a new division, they entirely swallow it up among them.

The origin of Poland, as well as of all the other northern nations, is buried in fabulous stories: less interesting than those related of the people of antiquity, because the Muses have not adorned its cradle with those ingenious tales, which render a new born state illustrious, and introduce it to the world under a character of distinction.

The first epochas, by which they measured time, were the generations of their kings; and they traced its revolutions by means of this royal chain, of which each sovereign formed a link.

After the death of Mieclas, the weak son, and unworthy successor of Boleslas, Poland experienced, like Germany, a long and fatal interregnum. Those who are called *the Great* in a kingdom, disputed among themselves for the sovereign authority. They made war upon each other; ravaged the  
country;

country; oppressed the people; and encouraged the neighbouring states to take advantage of these troubles, for avenging on Poland the affronts they had received. The terrified widow of Mieclas (for all histories present us with nearly the same incidents) fled the country, carrying with her all her treasure, and her son Casimir, then an infant. After having been well received in Germany, she passed on to Rome, where the only consolation offered to young Casimir, the only indemnification promised him for the loss of the kingdom of his ancestors, was the crowns he might hope for in another world; and, in order to obtain them, he was advised to go to the university of Paris for instruction, and afterwards to bury himself in the obscurity of a cloister. Casimir modestly pursued the path marked out for him by superstition: he concealed his rank under a fictitious name; and in a few years the descendant of the kings of Poland remained unknown and confounded among the monks of Clugni.

The Poles at last exhausted by the horrors of civil war, and assailed by all the neighbouring people, who made their country a scene of conquest, began to entertain thoughts of recalling the son of their late sovereign.

After much enquiry, they found the retreat where Casimir wore away his melancholy hours. They sent ambassadors to offer him the crown; and to conjure him to take compassion

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on a people, who depended on his zeal to retrieve their affairs. But the prince was unfortunately bound by his vows, and by deacon's orders, which he had received.

What chains were these in an age of ignorance! and how was Casimir to break them? The modest monk was well convinced, that there was a necessity for his obtaining permission from the Pope, to exchange his cell for a palace, and his coarse frock for the royal mantle.

We should be astonished, if any thing could astonish us from the Roman pontiffs, to find what conditions were imposed upon the Polanders by Benedict IX. before he would consent to let the son of their king pass from the idleness of a cloister to the happy activity of a sovereign. He required from them the payment of St. Peter's pence to the court of Rome; which was not surprising in a pope: but he made another demand, relative to an object, which could not, one should suppose, be of much consequence to him;—he insisted on their cutting their hair and beards in the manner of other catholic people; and that they should wear round their necks, at all the principal feasts in the year, a stole of white linen.

The Polanders having agreed to these three conditions, performed them exactly; and their trifling sacrifices were not without a full reward; for Casimir soon proved, that a superior mind can exalt

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its possessor to the height of any situation in which he may be placed by fortune: he restored tranquillity to the state; punished the seditious; put an end to discord and faction; and delivered, from the yoke of foreign masters, those provinces which had been seized upon by the neighbouring powers during the interregnum.

There is one very remarkable circumstance in the history of the kings of Poland: it is, that the first of the Casimirs came to France before he had been a sovereign, and became there a monk: and under Louis the XIV. the last of the Casimirs, after having abdicated his crown, retired to Paris, and became abbot of the abbey of St. Germain; where he would never suffer any person to give him the title of majesty. Thus the last finished as the first had began.

After the decease of Casimir, the Polanders conferred the crown on his son Boleslas II. who, like his great-grand-father, became the conqueror of Russia.

Although my design is only to describe the constitution of Poland, and it does not consequently agree with my plan to follow the Polish history, yet there was one anecdote of this prince's reign which I cannot pass over in silence. After he had triumphed over the courage of the Russians, who defended Kiovia, he shewed himself, on entering the city, a generous conqueror: he forbade his army doing the least injury to the inhabitants: the

the partners of his victory were so far from shewing any fury, that they manifested sentiments of a very different nature, at the sight of the beautiful natives of the conquered city: and the prince and his soldiers, forgetting that there were women in Poland, prolonged their stay at Kiovia, where they revelled in all the voluptuousness of the place; and never did victors receive more crowns.

The Polish women, informed of the infidelity in which their husbands indulged themselves, could not pardon the consequences of their victory; they would rather have seen all the inhabitants of Kiovia put to the sword, without distinction of sex: and, in the fury of their jealousy, they abandoned themselves to a kind of revenge, which was more natural than noble: they all, except one woman, whose virtue has immortalized her name, gave themselves up to the embraces of their slaves.

The news of this public and general vengeance soon reached Kiovia: the irritated officers and soldiers, imputing their dishonour to the king's conduct; a great part of the army, with their hearts inflamed with rage, abandoned their leader, and flew to Poland, in order to sacrifice the culprits.

The women and slaves, who expected the most cruel punishments, mutually animating each other, intrenched themselves in strong places, and maintained a siege against their husbands and their masters; while the women, considering their husbands only as their enemies, shewed no less courage

rage than their accomplices, and sold their lives very dearly.

Boleslas arrived in the midst of this bloody slaughter: and equally irritated against the first criminals, and against the army, which had abandoned him, he exercised towards the husbands, the wives, and the slaves, such severity as could not have been expected from the mild conqueror of Kiovia.

This anecdote, which is very true, may throw a shade over the genealogy of the noblest Poles: and those among them, who should kill a peasant, may have reason to reproach himself with having shed the blood of his family.

The history of Poland proves that if, as the Poles pretend, the crown has been always elective, they have however given the preference to the children of their sovereigns. They have even acknowledged their right to the election so clearly, that we have seen them searching from country to country for the son of their king: and when he was discovered in a cloister, submitting to every thing the pope required of them, rather than allow themselves to be governed by any other person.

On the death of Casimir II. the nation immediately placed upon the throne his son, whose memory is still distinguished by the added appellation of *the Great*; not so much on account of the victories he gained over the Russians, though he subjected one of their most valuable provinces, known  
by

by the name of *Black Russia*, as by the wise laws which he instituted; the arts he made to flourish; and the protection which he afforded to the simple peasants, against the tyranny of the nobles. He was the founder of almost all their cities, and of all those monuments which are now existing in the country, and which equally declare his taste and his activity.

This prince unfortunately did not leave a child. He named for his successor Louis, king of Hungary, who, after having accepted the crown, gave up the government of Poland to his mother, Queen Elizabeth, and retired into his own states.

This prince, who, by his indifference to his new subjects, had left them without defence against the incursions and plunder of the troops of Jagellon, Duke of Lithuania, was desirous of having a successor elected while he was still living; and he compelled the Poles to give their suffrages to Sigismund, Marquis of Brandenburg, who was his son-in-law. But this election, which was irregular, because it was not made freely by the people, was declared null after the death of Louis, and the Poles offered their crown to his second daughter, on condition that she would espouse a prince agreeable to them. It would have been more generous to let her chuse a prince agreeable to herself; but the hearts of princeffes are not always bestowed on those who are most worthy to govern men.

If the new queen of Poland had been free to raise whom she pleased to share her throne, she would have called thither the Duke of Austria, who had penetrated even to Cracow; where, under the character of a knight, he gave the most brilliant entertainments to her who had drawn him thither. This prince realized all those romantic ideas, with which the writers of the age in which he lived have embellished their descriptions: and if we treat their accounts as fables, the reason is, that the cause lies too remote for us to believe in its effects.

Jagellon at the same time demanded the princess's hand from the senate; and offered, if he obtained it, to unite forever to the kingdom of Poland, the grand duchy of Lithuania and the domains which he possessed in Russia. These offers seduced the Poles, and they promised him their queen, without ever consulting her heart.

The austere senators, who were alarmed at the preference she evidently gave to the Duke of Austria, obliged him to quit Poland, and by surrounding the castle of their queen, they held the other lover a prisoner.

The idea of losing forever the man she loved, and of being united to Jagellon, whom she regarded as the prince of a barbarous nation, rendered odious to the queen the gift of sovereignty, which had been made her by the Poles. And while she thus sighed over her elevation, the ferocious rival  
of

of the Duke of Austria arrived, attended by a number of troops. But alas! it is not soldiers who can take a heart!

The queen declared she would not see Jagellon. The senators threw themselves at her feet, and conjured her not to expose them to the vengeance, which must be provoked by an affront which could never be pardoned. Touched by their prayers, and terrified by the misfortunes with which she saw her subjects threatened, she at last consented to receive Jagellon: and happily for her, that prince, whom her imagination had represented as a ferocious savage, was young, well made, and wanted nothing which could render him beloved: he soon became so, and the princess was not displeas'd with the union of Lithuania and Poland.

I should not have introduced this piece of Polish history, but to shew by what means the duchy was reunited to the republic.

I must add that, on the death of Jagellon, who contributed not a little to weaken the power of the Tunic order by his valour, the crown was given to his son, though only twelve years old: and that it was always worn by his descendants, until the death of Sigismund Augustus, the last of the race of Jagellon, which happened in the year 1572.

This crown, though its lustre became tarnish'd at every election, was not the less desired by all the powers of Europe, whenever it reverted to the dis-

posal of the people of Poland : and yet these people have always blindly given it to some stranger : in fact, to whoever offered them most money ; or was willing to make them the largest sacrifices.

Henry de Valois, brother to Charles IX. obtained the crown of Poland through the intrigue of a Pole, who, after having lived some time in the court of France, returned to Poland, and extolled the qualities of the Duke of Anjou. On the death of his brother, Henry quitted his Polish throne to ascend that of France, where he had not strength to maintain himself. He thus quitted the subjects who had elected him, and who frequently sent in vain to recal him : and he experienced in the end, that he who holds two crowns does not deserve to have one.

Sigismund, son of John II. king of Sweden, had the weakness to sacrifice the crown of his father, which was hereditary, to the honour of being some years sooner adorned with the title of king.

Under Ladislas, the son of Sigismund, whom the Poles indemnified for the loss of the throne of Sweden, by giving him that which his father had worn, Poland committed a gross error in policy, by detaching itself from the Cossaks, a warlike and savage people, under pretence that the Polish peasants, wearied out by the exactions of their lords, found refuge among them, and partook of their independence. One of these peasants, at the head  
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of the revolvers, made their cruel masters repent of their injustice: he led them through the whole kingdom of Poland, and reduced it to the very point of being nothing but a desert, covered with the ashes of its cities.

I am unwilling to take up time in relating all the misfortunes which desolated this vast kingdom, during the interregnums; or in shewing how dearly Poland has paid for the concessions she has forced from the ambition of those who aspired at her throne. I must however lament that she did not always raise her grand marshal to the sovereignty, when he had shewn, in that important office, the talents necessary for governing a state: she had once the wisdom to fix her choice on a person who had as strong pretensions; and she gained the highest glory by it: for Sobieski did more for his country, by his courage and his warlike virtues, than all those princes who aggrandized it by the addition of new provinces.

When we consider, on one side, the number of princes, arch-dukes, and foreign sovereigns, who crowd to Poland, whenever the throne becomes vacant; to solicit the election, by distributing money and setting every engine of intrigue at work among the Palatines and Polish nobility: and when we find, on the other side, these proud republicans enquiring out him among the candidates who can pay the highest price for their suffrages, we know



not whether most to despise the ambitious men, who are tormented with the desire of reigning over a people, with whose manners, character, and laws they are unacquainted; or the vile electors, who make a trade of their honourable privilege; and who feel no concern at the danger they incur, of giving a prince to their country, who may prove its misfortune or its shame.

If the Poles had been generous enough to make a just return of gratitude to the memory of Sobieski, whose valour had set them free from a shameful tribute, paid by them to the Port: and who, by his multiplied victories over the Turks, had acquired in their camp the surname of *the Invincible*, they would have given their crown to one of his sons. But these sordid electors hesitated for a long time between Frederick Augustus, elector of Saxony, and a Prince of Conti, to whom nothing was wanting, to unite all the suffrages in his favour, but the power of sending two hundred thousand crowns which the minister of France had promised to the electors.

His competitor thought himself happy, in carrying the crown from the children of Sobieski, and the Dukes of Lorain and Conti: but this unfortunate crown, which cost him so much money, and so many efforts, brought nothing but humiliations on his head. He exposed Poland to the resentment of Charles XII. and submitted that warlike nation,  
to

to receive laws from a young prince, who would have reigned over them, had he not disdained their crown; and rather wished to see it worn by a simple palatine; who, if he had not been prevented by the misfortunes of his protector, would have adorned it with a display of those virtues, of which one of the French provinces has perceived the happy influence.

Since the great Casimir, each pretender, more solicitous to secure the crown, than to promote the welfare of the people, submits to the laws which the nobility think proper to impose. Casimir, redoubtable by the power of his arms, had impressed these nobles with fear and respect: and dissatisfied at the ascendancy which the higher order of nobility exerted over those of the second order: and still more offended at the manner in which they all held the peasants chained down to labour, he, as I have already said, established laws for raising the equestrian order, and securing the labourer from the oppressions of their feudal lords. The first condition which the nobles imposed on Louis of Hungary was, that he should annul all these wise laws; that he should reinstate the grand proprietors in their tyrannic privileges; and that he should never more oppose their dispossessing their slaves, in an arbitrary manner, of the fruits of their labour, and even of their lives.

It is thus, oh! unhappy Poles! that your misery and weakness is always sported with, when you have

the baseness to remain without exerting yourselves. The grandees sell to your kings the honour of governing them, on condition that they may have the liberty of domineering over you. But they reserve to themselves the advantage of entering into their councils, and limiting their power; and take care to deprive them of all means of injuring their liberty: while you are too much despised, even to be permitted to offer an opinion; and must have exercised over you the most unbounded power. If you are allowed to cultivate the earth, it is that they may enjoy the fruits produced by your labour: if they consent to let you exist on what they call their domains, it is with the proviso of your rendering them fruitful by the sweat of your brow. If a single reproach, if the slightest murmur escapes your lips, you must tremble, miserable wretches that you are, lest ferocious pride should embue, with your blood, the soil which you have watered with your tears. It is your only part to suffer with resignation; for, if you complain, you are punished; if you fly, you will be pursued, and dragged back to that spot of earth, whose thorns will be your only portion of its produce: you and your wife, and your children, and their children, belong not to you, but make part of the ground on which you vegetate, as well as the trees which bear their fruit also upon it. Though the proprietor is of the same species with yourself, it is not for you to consider him

him as your equal : he is your master ; he is the arbiter of your days. If you die by his means, the only punishment of his caprice is, at most, but a trifling fine. You behold, when humbly attending his court, servants who have the care of his horses ; who stand always ready to obey his commands ; follow his steps ; and serve as his escort : but you must not suppose that they are men of your own class : no ; they are nobles ; retained in his pay indeed, and whose minds are no better informed than yours ; yet they are the flowers of the republic, while you are but the sorry leaves.

Mounted on the horses of their patron, these nobles hasten to present themselves at the diet of the province : there they proudly take their seats ; assume an important, and even menacing tone ; and if they obtain not the honour of being members of the general diet, they send palatines thither, who style themselves representatives of the nation, but without representing you ; because you are considered as nothing.

When the election of a new monarch comes on, these hirelings accompany their master ; and add splendor to his train, by the glare of their sabres, which are now terrible only to their countrymen : there they stand ready to give their votes, and peal out their acclamations in favour of him whose treasure has been poured among them with the most unsparing prodigality.

There

There is no exaggeration in this account. Such is Poland; such are her kings; and such her palatines, her nobles, and her serfs or bondmen; for the peasants of that country are absolutely such.

Every nation has, in its political character, some predominant propensity: that of the Poles seems hitherto to have been the choosing of their king, whenever the throne became vacant. There is something noble in thus electing a monarch: it even carries with it the appearance of wisdom. How brilliant is the act of investing, of our own accord, with the supreme authority, that person whom we must afterwards obey! Our election will be made undoubtedly because we believe the object of our choice is worthy to reign over us: and we shall submit ourselves to him, because we are willing to be under his command. The gratitude which he owes to his people will make him just toward those who have elected him: and, in fine, we shall never be in danger of seeing the executive power in the hands of a furious, a weak, or a vicious prince, whom the single title of birth has placed upon the throne.

These arguments, the most specious which can be employed to defend the election of kings, will undoubtedly be urged by such as favour that system. But if we consider all the misfortunes, all the intrigues, all the rivalships, and all the dissensions to which a monarchy is subject, whenever the throne becomes

becomes vacant, we shall find that there is more danger from elections than from hereditary succession.

Besides, are the qualities requisite for governing well so very conspicuous, that it is easy to discern in what man they all unite? All the subjects in a kingdom ought to obey and respect the sovereign who has been elected: are they all convened for electing him? or if they were, are they all capable of judging of his merit?

If the people at large desire to have a virtuous prince upon the throne, those of superior rank wish only for a man of distinguished title. If the welfare of the people demands a monarch equally attentive to the interest of all his subjects: their lords require in him, to whom they give their suffrages, a disposition to attend to no subject below the rank of nobility.

The nobles, who have every thing to expect from the monarch who shall be elected through their influence, divide into parties, each of which endeavours to secure the crown for that candidate, on whose favour its members can most rely; while the competitors for the crown, more employed with their own glory, than solicitous about the public welfare, endeavour to increase their respective parties; and seek rather to bear away by force, than lawfully to obtain the object of their ambition: thus violence usurps the place of free will.

zeal was not strong enough to make him run the chance of losing it.

It was a great point in favour of Reason, to have a law of the state to defend it against Fanaticism: but that monster is always meditating injustice and crimes, even when they cannot be executed: and, deceitful in its weakness, it only waits the moment of returning power, to exercise them in all their fury. It soon began in Poland, by declaring war with the Arians, of which sect there were a great number in the kingdom. The protestants, and those of the Greek church, had the imprudence to take a decided part against the Arians; by which they weakened themselves, and strengthened their common enemy, who shortly after attacked them separately, and, in 1733, excluded them from the diets.

The fanatics, encouraged by this success, proceeded so far as to declare guilty of high treason all those dissenters who should endeavour to revive the ancient decrees, by the intervention of those foreign powers, who had guaranteed the treaty of Olivia; for they had not forgot that the treaty alluded to, confirmed them in the privileges of which they were now to be despoiled.

Such was the ascendancy of the Roman catholic religion, in the year 1764, when the present king was raised to the throne of Poland by the influence of the Empress of Russia; who could not have employed

to employ his unremitting attention in defending his own power: instead of patriotic citizens uniting to support the states, nobles distracted with the desire of domineering over every thing: and, instead of wealth, the labour of slavery, which they perform with reluctance, as no share of its produce will belong to them.

I should be glad to know whether there is one single Frenchman who, after viewing this portrait, drawn by the pencil of truth, would envy the Poles the privilege of which they are so tenacious?

Poland acquired this fatal right in a legal and constitutional manner, in the year 1550, under Sigismund-Augustus, who subscribed to an act which established in the nation, or rather in the grandees, for among this unhappy people the higher order of nobility is considered as the whole nation, *the unlimited right of electing a monarch every time the throne became vacant*: and as Sigismund left no children, nor any near relations, this famous charter which had been confirmed in a solemn diet, and which is known under the title of the *pacta conventa*, was, on the death of the king, carried into the fullest execution; and from that period there is no doubt but the law which renders the crown of Poland elective has been one of the fundamental laws of the state.

The *pacta conventa*, in confirmation of the concessions made by Louis of Hungary, not only im-



*ports that the king shall be elected, but moreover that he shall never appoint a successor: that the general diets shall assemble every two years: that all the nobles, subjects of the kingdom, shall have a right of suffrage in the electional diets: that if the king does any injury to the laws or to the privileges of the nation, the subjects shall be released from their oath of fidelity.*

It is an undoubted truth, that no individual, be he a native or a foreigner, who has not any natural right to the crown, but on whom it is bestowed, with the proviso that he shall perform certain specified conditions; on which conditions he accepts it, and which he swears to fulfil, cannot infringe them without being guilty of perjury and usurpation. But if he discovers great injustice in the laws which he has sworn to obey: if he finds that the unhappiness of the people must be the consequence of his obeying them, he may, actuated by nobleness and magnanimity, and supported by the troops in his pay, which are almost always foreigners, convoke the whole nation in general assembly, and say to them,

“ In you, whenever you are united, dwells the  
 “ supreme power of confirming or annulling the  
 “ ancient laws. Is it your will that the general  
 “ diets shall be composed of the higher order of  
 “ the nobles only? That the electional diets shall  
 “ never admit any below the second order of no-  
 “ bles? Do you persist in thinking that the hus-  
 bandman,

“ bondman, who tills the ground, ought always to  
“ remain a bondman; and that even the chief of  
“ the kingdom shall not have power to set him  
“ free? Is it your opinion that the monarch of  
“ Poland should always remain of little account;  
“ and that much the greater part of his subjects  
“ should be accounted as nothing?

“ If such be your will, begone, leave me; I  
“ I shall retire to my palace: there remains for me  
“ but this alternative: to continue faithful to my  
“ oath, or to abdicate the throne. If, on the con-  
“ trary, it is your true wish to annul those laws,  
“ draw near to me, and let us consult about the  
“ means of annihilating the usurpations which have  
“ been made on the rights of the throne and the  
“ rights of the nation.” Such are the ideas which  
ought to animate a great prince: and a king of Po-  
land, who had been directed by them, would have  
preserved his kingdom from decay, perhaps from  
approaching destruction,

The successors of Sigismund, satisfied with hav-  
ing obtained the crown, have held it in such a man-  
ner, that they rather chose to see it dispoiled of its  
most glorious ornaments, than to have the honour  
of recovering all its energy and all its lustre: while  
the nobility, assuming to themselves exclusively the  
whole power of the nation, may justly be reproach-  
ed as *aristocrates* in the fullest sense of the term.

Henry.

Henry of Valois rendered the power of electing kings still more precious to this aristocratic body, by the profusion of gold and of promises with which he purchased their votes: for it has never been on the candidate who had the most brilliant talents to display, but to him who had the largest share of wealth to disperse among them, that the grandees of Poland have conferred the crown: so true it is, that men, who assume a false appearance of grandeur, and magnanimity, often conceal, beneath it all the vices and all the meanness of that class of people whom they despise.

Under Stephen Bathori the grandees of Poland subjected the king to the direction of sixteen senators; who were appointed by the diet, and without whose consent he could not determine on any matter of importance: this was in fact giving him sixteen colleagues: for it was not the opinions of these senators, that he was to receive, but their consent that he must obtain. They afterwards deprived him of the right of judging, in the last resort, the causes of the nobility, unless the affair brought before him had happened within a very small distance from the royal residence: and they established courts of justice, whose members were elected by the nobles of each palatinate or province.

From that moment the king was no more the protector of the citizen or the plebeian against their  
noble

noble oppressors; but the latter might commit, upon their respective territories, all kinds of injustice, every act of brutality, to which their inclination should prompt them, without having any thing to apprehend from the authority of the prince.

Of what consequence is it to the greater part of a nation, to have a king, when that king, renouncing his noblest prerogative, can no longer defend them against the injustice and barbarity of their oppressors?

In fine, in the reign of John Casimir, those nobles, who had degraded their monarch; who had placed his authority under the tuition of sixteen senators; and deprived him of that precious prerogative of defending the weak against the strong, aspired to a degree of power superior to that of the king, in the privilege of stopping, by the negative of any one member of their body who was admitted to the diet, any resolution however unanimously agreed to; and even of dissolving the assembly: and the nobles got this prodigious privilege, known under the name of *liberum veto*, passed into a law.

In Rome, it is true, one single tribune could, by his *veto*, stop a decree of the senate; but that tribune represented the whole Roman people: while the Polish noble, sitting in the diet, represents only a very small portion of the nobility of his pa-

linate: and still, whether he acts under the frenzy of intoxication; whether his motives are too obscure to be penetrated by the light of reason; or whether he be too stupid to give any reply to the pressing arguments of his colleagues besides this unfortunate *veto*, the wisest resolutions are suspended by it; and the diet must proceed to some other subject, which frequently meets with the same absurd contradiction.

It must be acknowledged, that the body of nobility, who at this time exercised a privilege so destructive to all good resolutions, after having experienced the fatal consequences of it, shewed a despicable degree of pride and self-interestedness, and merited all the misfortunes which have befallen them.

After all these usurpations made by the Polish nobility, the king still possessed, in one last remaining prerogative, the power of indulging his benevolence: he had the liberty of disposing of what is called in Poland the *storasties*; which are the ancient fiefs dependant on the republic. But under the present king, the crown has been deprived of the right of conferring them, as well as the principal dignities, *without the consent of the permanent council*: and the consequence is, that the chief of a kingdom, which before the last division, was as extensive as France, possesses not the power of doing good or evil: and yet, in this state of royal nullity,

he

he has all the most striking and august appearance of sovereignty. “Whoever sees (says M. de Voltaire) a king of Poland, in the royal pomp of majesty, will believe him the most absolute prince in Europe: he is, however, the one who is least so.”

Before I take a view of the present state of Poland, it may not be uninteresting to the French, who have, in one of the provinces of France, reaped the fruits of the virtues of Stanislaws, duke of Lorraine, to know on what title the throne of Poland is founded. It must be remembered that, towards the end of the last century, Frederick Augustus, Elector of Saxony, bore away the Polish crown from all his competitors; and that, in virtue of an election perfectly conformable to the laws of the country, he was placed upon the throne.

Unfortunately for this prince, he saw in Charles the Twelfth of Sweden, then scarcely eighteen years of age, only a minor king, held under the tuition of a weak grand-mother; and formed the resolution of reuniting to Poland the province of Livonia, which had been for the space of a century under the dominion of the Swedes.

This project, just or unjust, which was agreed to by the states, had originated in the oath taken by the king, to conquer all those provinces of which Sweden had despoiled Poland, and of which Livonia (as they said) made a part.

Charles XII. having vanquished the Muscovites and the Polanders in the battle of Narva, penetrated into Courland: and incensed at the alliance formed between the Czar and Augustus, he conceived the design of dethroning the latter. After spreading terror through the bosom of Poland, he caused a diet to be convoked at Warsaw, commanding it to elect, within five days, Stanislaw Leczinski to the throne: and before the fifth day expired the command of Charles XII. was executed.

Such an election as this, made under the eyes of a conqueror, and which was prescribed by vengeance, and performed by fear, could neither dethrone a king legally elected, nor create another. The first title of Stanislaw to the crown of Poland was therefore no other than that of force, which made the law give way, but which could not destroy it: and, notwithstanding his election, Augustus was received as king among the states. He found himself however still so unable to resist Charles, though he had gained a victory over one of the Swedish generals, that the moment that young conqueror imposed upon him as the first condition of a peace, the hard law of abdicating his crown, he submitted; and subscribed to the most cruel terms which can be required of a monarch. But this was not all; for Augustus, in a letter which Charles commanded him to write to Stanislaw, acknowledged,

known, as king of Poland, the man whom he had till then considered as a subject.

Could this second title render the election of Stanislaws valid? Certainly not; for even if this forced resignation could be supposed to have the effect of a voluntary abdication, it could only be at the time it was made that the throne became vacant: consequently any anterior election was of no effect: and to render Stanislaws lawful king of Poland, it was necessary to proceed to a new election, and for him to be chosen by a majority of suffrages.

Stanislaws being acknowledged as king by the prince who abdicated, could not strengthen his first title: because the crown of Poland being elective, the monarch, who descends voluntarily from the throne, cannot cause any other person to assume his place, unless that person has been elected by the nobles, convoked for the purpose of choosing a sovereign.

The law of nations will pronounce the result of these facts to be, that, notwithstanding his abdication, notwithstanding his letter to Stanislaws, and the election of that palatine, Frederick Augustus was authorised, upon his return to Poland, during the troubles and long slumber of Charles XII. to replace himself upon the throne, because there did not exist any other lawful king of Poland.



It may perhaps be said that Stanislaws, notwithstanding, enjoyed the title of king even to his death. I grant he did; and that he enjoyed it with reason after the 18th of November 1738; because, in one of the articles of the treaty of Vienna, to which the empire, France, the court of Dresden, the king of Poland, and Russia were parties, it was agreed *that Stanislaws, in abdicating the crown of Poland, should preserve nevertheless the title and the honours; and that his own property and that of the queen his wife should be restored.*

This crown, which he abdicated, he had never worn, though it had been voted to him by a majority of deputies, in the diet of 1733; but although the Emperor Ferdinand VI. had the power, with the assistance of Russia, of placing the Elector of Saxony, son of Augustus II. on the throne, yet the right of Stanislaws was in appearance sufficiently legal, to make the terms of his renunciation honourable to him: and the armed powers in 1734 judged it necessary to attend to the conditions.

I have entered more at large into this part of the Polish history; because I do not know that any writer has hitherto thoroughly examined it. I shall now return to the present state of Poland, and the cause of its misfortunes. Alas! why is it that we always find religion among the sources so fatal to the tranquillity of empires?

The

The protestant doctrines which were spread all over Germany, had penetrated Poland, and were there opposed by persecutions. Novelties, which would die away, if treated with indifference, increase and multiply under intolerance. This new faith had already made such a progress, that Sigismund-Augustus, instead of persecuting his protestant subjects, as his father had done, took the wiser part of granting them full liberty of exercising their religion; and admitted them, as well as those of the Greek church, and other sectaries, to a right of suffrage in the diets; and of all the honours and privileges which the catholics were desirous of enjoying exclusively. But this prince, worthy of the name of Augustus, diffused his own spirit of moderation and impartiality with such effect through the whole nation, that the people consented that no difference of opinion in religious matters should produce any in civil or political rights: in consequence of which, one of the articles inserted in the *pacta conventa*, which the successors of Sigismund have been obliged to subscribe, imports that the subscriber *shall maintain peace among the dissenters*: by this word *dissenters* is understood all who differ in religious opinions.

Henry of Valois having endeavoured, after his election, to avoid subscribing to this article, they threatened to deprive him of the crown, and his

zeal was not strong enough to make him run the chance of losing it.

It was a great point in favour of Reason, to have a law of the state to defend it against Fanaticism: but that monster is always meditating injustice and crimes, even when they cannot be executed: and, deceitful in its weakness, it only waits the moment of returning power, to exercise them in all their fury. It soon began in Poland, by declaring war with the Arians, of which sect there were a great number in the kingdom. The protestants, and those of the Greek church, had the imprudence to take a decided part against the Arians; by which they weakened themselves, and strengthened their common enemy, who shortly after attacked them separately, and, in 1733, excluded them from the diets.

The fanatics, encouraged by this success, proceeded so far as to declare guilty of high treason all those dissenters who should endeavour to revive the ancient decrees, by the intervention of those foreign powers, who had guaranteed the treaty of Olivia; for they had not forgot that the treaty alluded to, confirmed them in the privileges of which they were now to be despoiled.

Such was the ascendancy of the Roman catholic religion, in the year 1764, when the present king was raised to the throne of Poland by the influence of the Empress of Russia; who could not have employed

employed her power more nobly than by favouring the election of a prince of thirty-two years of age; whose sweetness, eloquence, and humanity, uniting with all the graces of his age, rendered him worthy of a happier prospect.

The new monarch was too wise to aggravate the injustice with which the dissenters were overwhelmed: but a king of Poland cannot prevent the persecution which the diet prescribes; so that the unhappy and oppressed dissenters did not find the support which they expected from the chief of the nation: and as to the diet, they could not hope that its members would expose themselves to be proscribed, as guilty of high treason, by addressing the courts of London, Petersburg, Berlin, and Copenhagen, as guarantees of the treaty of Olivia.

It is necessary however to observe, that Russia was not one of the powers which were parties in that treaty: she had not even been a mediator on the occasion: which gives reason to suspect that the empress had promoted the insurrection of the dissenters, and induced them to apply to her for succour, that she might have a pretext for sending troops into Poland, and of establishing her dominion there.

Some of those writers, who pay no respect to kings, nor to truth, which is still more respectable, have dared to assert, that the king of Poland was in league with the Empress, to admit a foreign army

my into his dominions; with a design of making the senators and palatines yield; by means of a force which he had not at command. All which has ensued from this invasion, proves that the king was not guilty of this perfidy.

In the diet of 1766 the foreign powers, who had guaranteed the treaty of Olivia, demanded the re-establishment of the dissenters in all their privileges; but they found an insurmountable opposition from the greater part of the members of the diet; and the session became so outrageous on this occasion, that the king judged it necessary to remove from it. A decree was however passed there, which granted to the dissenters, but expressly out of regard to the foreign powers, the more free exercise of their religion. It was of too much consequence to Russia, that the storm, thus raised, should not speedily subside, to allow of her approving the decision of the diet: her disapprobation was therefore immediately manifested. The dissenters, encouraged by her protection, formed various confederacies, which were soon strengthened by the discontented catholics, who united with them. The prince of Radzivil, who had distinguished himself by opposing the election of the king, was named marshal of the confederates: and thus the man whom the Empress had once found more inflexible than any of his colleagues, in opposing her designs, now headed the party which favoured her interest.

The

The convoking of the diet by the king, in order to prevent the progress of the civil war, was succeeded by one of the greatest acts of injustice which can be committed in a state. The bishop of Cracow and the bishop of Kiof were hurried away in the dead of night, by a detachment of the Empress's soldiers, and conducted to Russia, where they remained in captivity for seven years.

What! could such a violation of the territories of any state remain unpunished? Did not all the Poles, animated with a just indignation, unite to drive the Russians out of the dominions of the republic? Renounced they not their hatred and dissentions, to call upon the same God to witness the affront put upon public liberty; and to swear upon the same altar to shed even the last drop of their blood, rather than suffer their fellow citizens to groan under the fetters of a foreign power? But there existed no longer among these republicans any remains of their ancient heroism; any regard for their country; or any love of liberty. They were no more a nation of warriors: but they were Catholics; they were Protestants, either oppressed or supported by the agents of despotism. The diet, more alarmed than shocked at the treatment experienced by the two bishops, granted to the dissenters whatever they demanded, and decreed every thing which was prescribed to them by the court of Russia.

**This**

This base complaisance did not put an end to the troubles of Poland : Austria, France, and Prussia, jealous of the ascendancy which Russia had gained over that unhappy kingdom, united their endeavours for spreading again the fire of discord. They, by means of their emissaries, persuaded the catholics that their religion was in the most imminent danger, while that of the dissenters was ready to triumph over it : and these deluded people, hurried on by an absurd zeal, spread fire and desolation wherever they found protestant churches. Russia, in the mean time, by pretending to withdraw her troops out of Poland, caused the government to solicit the favour of their remaining there, to stop the destruction which threatened the republic.

An army of fanatics having possessed themselves of the fortress of Bar, and of the city of Cracow, had, in the course of four years, many engagements with the Russian scismatics, whose religion was certainly less pure, but whose troops were better disciplined ; and who, by a fatality, which ought to cure mankind of engaging in religious wars, had almost always the advantage. The God of the christians is not the God of armies : He prescribes peace to men : and may ill fortune be the lot of those who are desirous of cutting each others throats in his cause.

The catholics of Poland were the original aggressors. One of their fundamental laws directed that,

that, *without paying regard to religious opinions, every citizen, duly qualified to enter into the diets, should be admitted there, and participate the honours and dignities of the republic*: and this law ought to have remained inviolable. But the dissenters were guilty of a still greater wrong, by calling foreign troops to their aid, and drawing the fury of civil war upon their country, because they were excluded from those situations and honours in which they had a right to share.

In the year 1764, when the protestants made their last demand, there were only two hundred churches in Poland: but they were every where permitted the free exercise of the protestant religion in their houses; their property was respected; and they held, in common with the catholics, not only the *starostias*, but all military appointments. What more was necessary for them, if they had confined their views to the single object of rendering, to the Supreme Being, the adoration which they believed most worthy of him? Could they not have made the sacrifice of some vain honours to the Power whom they worshipped? If they had not set a higher value on these honours than on their religion; they would have resigned them, rather than shed the blood of their unjust brethren, or do an injury to public liberty, and subject their country to foreign despotism.

The



The French constitution is to be enriched with the very same law which was expunged from the charter of Poland in 1733. When reason, which is eternal, becomes extinct in one country, it glows with greater brightness in another. We must not however deceive ourselves: we have stopped the progress of Fanaticism, but we have not annihilated it. In the southern province of France, where the climate is more favourable to that sanguinary monster, it still maintains its existence: and its organs, though compressed by fear, retain at this moment their poisonous breath. May we not apprehend that it will one day burst forth from this constrained repose, and shew itself in all its terrors? There is perhaps but one means of extirpating it forever; and I will venture to point it out! it is by effacing, from the French language, the word *catholics* and *protestants*, and substituting those of *adorers of the true God*; for surely there can be no protestants (taking the word in its literal sense) in a country where equity ordains, and reason obeys. Of what moment is it now to the French, if the citizen devoted to his country, faithful to his duties, and exact in his engagements, renders to the Deity an homage different from theirs? If his homage be accepted, he will receive the reward: if it be rejected, we shall not know that it is so: if we did know it, we could only pity him, whose misfortune it was not to have offered one more acceptable:  
and

are found some individuals, so affected by the loss of certain privileges, as to demand the assistance of foreigners for reclaiming them! No, let us rather fly, forever fly our country, if we experience there intolerable injustice; but let us never call in our ambitious neighbours to profit by our divisions; and, after finding their way into our country, under the character of mediators, to establish themselves there as our masters.

The loss which Poland sustained by the division of 1772 was prodigious. The number of inhabitants, which fell with the country they occupied under the dominion of the Emperor, amounted in the year 1776 to two millions, five hundred and eighty thousand persons. Prussia acquired about nine hundred thousand; and Russia detached fifteen hundred thousand. Thus the republic lost, on the score of population, near five millions of inhabitants.

The famous salt-mines of Poland were an inexhaustible source of riches to the nation: they had been worked for six hundred years, and their annual produce to the crown was estimated at eighteen millions: and these salt-mines are situated in the territory which now belongs to the emperor. But if the Polish republic has been greatly a loser by this change, the peasant who has ceased to be a Poland, in consequence of it, has made a great acquisition; because the Emperor has given freedom to all those who before groaned under bondage

age

## C H A P. VIII.

## OF THE DIVISION OF POLAND.

**I** HAVE explained what Poland was under its first kings: I have shewn how its government, which was in the beginning purely monarchical, was transformed into an aristocracy: and I have pointed out the causes of those troubles with which it has been agitated: troubles which have not only weakened its forces, but plunged into stupefaction the greater part of the people, who constitute the vigour of a nation: and I have brought into my readers view all that long succession of monarchs, who have been raised to the throne of Poland, from the tenth century to the present period.

We have seen in this review the splendour of the crown, so glorious under the great Casimir, become diminished, darkened, and at last wholly extinct, when placed upon the brows of strangers, more desirous of wearing it, than of re-obtaining those lawful rights, of which it had been despoiled.

Before I touched upon the present situation of Poland, it was necessary to shew under what pretence

tence the Empress of Russia introduced and fixed foreign troops in the country. It has cost me much pain to trace such acts of despotism to the heroine of the north; and yet I could not suppress my indignation, in speaking of the carrying off and captivity of the two prelates; whose title of nuncios, of representatives of their palatinates ought to have rendered their persons sacred.

This affront, given to a nation which gloried in being free, has touched me more deeply, and filled me with greater abhorrence than it did the Polanders, under whose eyes the act was performed. Their indifference to such an injury done to the law of nations and to liberty, makes them appear undeserving of freedom. Yet, if the citizen retains nothing but the languor of the slave; if the king no longer possesses the dignity of the monarch; and if the very soul of the bondman becomes annihilated by servitude, what could be expected of a people, who are universally degraded by the viciousness of their constitution?

Intolerance gave the final blow to the ruin of Poland: it would not suffer protestants to be admitted into the diet, or the senate: and yet it permitted foreign soldiers to establish themselves in the kingdom; to make laws for it; and to dictate the decrees of both the diet and the senate! Surely this was the most extreme degree of blind fanaticism! and yet these are the people whom the philosopher

of Geneva wished to regenerate; and for whom he took the pains of drawing up the plan of a constitution, of which the Polanders were not capable of understanding the worth.

Before I analyze this constitution, it will be proper to examine the great political body, for which it was intended: a body depressed by its faults; by its misfortunes; and by the union of those powers whose interest it is that it should no more recover its energy.

Never was there any political plan conducted with more mystery, or executed with greater assurance, than that for the dividing of Poland between Austria, Russia, and Prussia. This treaty, which astonished every power who had not been called upon to be a party in it, was projected in 1769, between Frederick and the Emperor; and signed at Petersburg in 1772. Thus three years had been spent in secret negotiations, without any of those illustrious spies, who are so magnificently paid by their employers for prying into the secrets of the courts in which they reside, being able to discover what was the subject of them. Though this impenetrable secrecy may do so much honour to the cabinets of Berlin, Vienna, and Petersburg, it can give us no very high idea of the resources of those employed to observe them.

Frederick had, for a long time beheld Polish Prussia, which separates the provinces of Germany  
from

from eastern Prussia, with a desiring eye; for he had, in the preceding war, experienced the inconveniency of their separation. It seemed an object of importance to that king, who considered his own greatness in a military point of view, to be able to march his troops from Berlin to Koninsburg without quitting his own territories.

He had acquired Silesia by force of arms, but he had been obliged to fight many battles, and even to run the chance of losing his kingdom before he could secure its possession: it, therefore, appeared a very desirable object to conquer a fertile and well peopled province, by the powers of his mind alone, without exposing the life of one single soldier: and, with the view of doing so, he appeared indifferent to the troubles of Poland, and gave no assistance to the king, whose election he had promoted. A new calamity, that of the plague, having broken out to second the ravages made by other causes in Poland, Frederick seized that pretence for marching troops to the frontiers, and occupying all Polish Prussia.

But it was of little consequence to occupy, unless he could maintain possession: and it was not probable that Russia and Austria would suffer him to increase his dominions by the addition of a province to which he had no right. Any attempt to reconcile the Empress of Russia to such a proceeding, by proposing that she should, on her part,

seize likewise upon a province, would have been impolitic; as the discovery of this scheme might probably have proved the means of its destruction: for the Empress, in consequence of her troops having established themselves in Poland, considered herself as sovereign of the whole country; where she gave laws to the king, dictated the decrees of the diet, and exercised every act of sovereignty, except levying taxes.

Frederick, too wise to draw himself into such a scrape with Catharine, addressed the emperor on the subject: and communicated his design to that prince, in two interviews which he had with him; one in Silisia and the other in Austria: for when sovereigns are desirous that their projects should not be prevented, they forbear employing one minister to confer with another minister; because even if these did not trust the secret to their secretaries, there would still be two persons privy to the affair.

The Emperor undoubtedly approved of the proposal made him by the king of Prussia; for he availed himself of the same pretext, and pursued the same measures: and, in the year 1772, he had, by extending his lines, successively got possession of all that part of Poland which was appropriated to him in this division.

The empress did not see, without inquietude, these two sovereigns advance their armies into Poland:

land: but it was impossible for her to suspect the agreement which had taken place between these two rival powers, who laid down their arms, to resume them probably the very moment that either was strong enough to attack the other.

The Polanders were under the same delusion as the Empress, respecting the proceedings of the two monarchs. They supposed their armies posted in their territories to defend them, and to observe each others motions: while Frederick and the Emperor determined to conceal their designs from the Empress, until she should be engaged in a war with the Port; when she would find three enemies to contend with, instead of one, if she should be obstinately bent on opposing the partition they had agreed upon: and this they knew must oblige her to comply from motives of prudence rather than interest.

As soon as the consent of Catharine was thus obtained, the grand mystery was disclosed to the world. The Emperor began by notifying his intention in a memorial to the king and senate of Poland. The courts of Russia and Prussia soon followed his example; and, in the month of September 1772, the Polanders could no longer doubt that the three usurpers, who required of them to make a regular cession of their country, acted in concert with each other.



A diet was convoked on the 19th of April 1773, in which the majority of the deputies opposed for several days the dismembering of the state; and the king shewed equal firmness on the occasion. The ambassadors of the three courts threatened that Warsaw should be pillaged by the soldiery, if the terms of their masters were not complied with, and went so far as to give the king to understand that they would depose him. Perhaps it would have been more noble for the monarch to have sacrificed his diadem in the cause of his country, and to have fallen gloriously under the ruins of his throne; but this heroic part would have cost his subjects much blood, and exposed the kingdom to all the horrors experienced by a pillaged country: for, when the citizens are not all animated with the same sentiments of honour, with the same love of their country, the generous resolutions of a prince are at best but feebly seconded: and while each individual is alarmed for none but himself, their resistance is so weak as only to draw upon them more severe conditions.

There was in the senate a majority of six voices for acceding to the demands of the three court: but the assembly shewed greater firmness, for the same resolution was there carried by a majority of one voice. The diet concluded this business in the month of May; and the commissioners, who were furnished with full powers, ratified the treaty  
exactly

exactly as it had been dictated by the three monarchs.

By this treaty, Russia obtained the most extensive country: the lot of Austria was most rich in population: and that of Prussia had the advantage of the most flourishing commerce. Frederick likewise became master of the navigation of the Vistula: which enabled him to increase the trade of Memel and Koningsberg; and to give a mortal blow to that of Poland and Dantzick, by the enormous duties to which he subjected all merchandise which passed that city.

It might possibly have been expected that, after the three courts had accomplished their design of plundering Poland, they would have recalled their ambassadors; withdrawn their troops; abandoned the kingdom to its useless regrets; and left that unhappy people to employ themselves and the powers which remained to them, in regenerating their constitution: but when princes have once made a foreign state acquainted with the ascendancy they have over it, they continue their authority as long as possible; and are adverse to the revival of what they have stricken, because they fear that, upon the recovery of its forces, indignation may prove a spur to valour, and make it turn upon them, to do itself justice: if, therefore, a state so oppressed be weakened by the vices of its constitution, the princes, who are its oppressors, will aggravate to

the utmost of their power the cause of its weakness.

We have seen that almost all the misfortunes of Poland have proceeded from the manner of electing their kings : from the too frequent interruption of the succession of princes : from the unlimited power granted to each noble of breaking up the diet by his single vote ; and from the excluding from all honours, and from the privilege of setting in the diets those who are not of the noble class : an exclusion which must prevent the general will from directing the decrees of the diet.

The articles proposed to the diet by the ministers of the three courts, established all these vices in the constitution, and were presented under this form :

“ The crown of Poland shall forever remain  
 “ elective, and all order of succession shall be pro-  
 “ hibited. All persons, who may endeavour to in-  
 “ fringe this law, shall be declared enemies of the  
 “ country, and proscribed as such.

“ The desire of foreigners to ascend the throne  
 “ having most frequently occasioned divisions and  
 “ troubles, they shall be henceforth excluded ; and  
 “ it shall be an established law, that, in future,  
 “ none but a person of Polish race, born a gentle-  
 “ man, and possessed of landed property in the  
 “ kingdom, can be elected king of Poland and  
 “ grand duke of Lithuania. The son or grandson  
 of

“ of a king cannot be elected immediately after  
“ the death of his father or grandfather : an inter-  
“ val of two years must elapse between the two  
“ reigns.

“ The government of Poland shall forever re-  
“ main a free government ; independent, and bear-  
“ ing the republican form : the true principles of  
“ which government are an exact observation of  
“ the laws, and the perfect equilibrium of the three  
“ orders ; that is, of the king, the senate, and the  
“ nobles. There shall be formed a permanent  
“ council, to which the executive power shall be  
“ confided. Into this council shall be admitted  
“ those persons of the noble order, who have hi-  
“ therto been excluded from the administration  
“ of affairs during the intervals of the diets.”

What an extraordinary occurrence ! Such a one as will hardly gain credit with posterity : that three powers, without any title but that of the sword, should, in the view of all Europe, quietly dismember a great kingdom of the provinces which were most convenient to each of them, and afterwards dictate to the people whom they had circumscribed, within narrow limits, the fundamental laws under which they must exist. Yet such is the great political event, of which we have been, as I may say, the witnesses.

Although the dissenters had, by this decree, the appearance of a triumph, yet the catholics, who had

had been docile with respect to all the other articles, shewed such opposition to the one which restored to their adversaries their ancient rights, that, in the end, they excluded them from the council, the senate, and the diets.

The court of Russia, which had no longer an interest to promote by supporting them, appeared satisfied that they were granted the use of their churches, though on condition of their not using bells to assemble the congregations: that they were permitted to perform their religious duties, and have seminaries: and that they might sit in the inferior courts of justice. They were also allowed to claim the admission of three dissenters, as jurors in the tribunals before which any cause respecting religion should be brought by appeal.

Such were the fruits which the dissenters reaped from the troubles excited by them in Poland. Nor will it be forgotten that they enjoyed, before these troubles, the free exercise of their religion: that the grand object of their desires was to be admitted to the diets: and that thus, after having brought foreign troops into the kingdom: after having involved their country in all the horrors of civil war; after having proved the occasion of part of their fellow citizens being subjected to the dominion of their three powerful enemies, they were themselves disappointed of the advantage they expected to derive from their measures. What a

are

are found some individuals, so affected by the loss of certain privileges, as to demand the assistance of foreigners for reclaiming them! No, let us rather fly, forever fly our country, if we experience there intolerable injustice; but let us never call in our ambitious neighbours to profit by our divisions; and, after finding their way into our country, under the character of mediators, to establish themselves there as our masters.

The loss which Poland sustained by the division of 1772 was prodigious. The number of inhabitants, which fell with the country they occupied under the dominion of the Emperor, amounted in the year 1776 to two millions, five hundred and eighty thousand persons. Prussia acquired about nine hundred thousand; and Russia detached fifteen hundred thousand. Thus the republic lost, on the score of population, near five millions of inhabitants.

The famous salt-mines of Poland were an inexhaustible source of riches to the nation: they had been worked for six hundred years, and their annual produce to the crown was estimated at eighteen millions: and these salt-mines are situated in the territory which now belongs to the emperor. But if the Polish republic has been greatly a loser by this change, the peasant who has ceased to be a Polander, in consequence of it, has made a great acquisition; because the Emperor has given freedom to all those who before groaned under bondage

age

age in the bosom of a republic. It is equally unfortunate and shameful for a state, when a great part of its inhabitants find themselves benefited by becoming the subjects of another sovereign. The loss of people to such a state is never to be repaired; because those who are once separated from it, remembering only the injustice they experience, attach themselves to the interest of the usurper, and would rather risk the loss of every thing than return to their ancient yoke. This is one of the truths which sovereigns should always keep in view.

If the old Polish system of government has undergone a very considerable change in those provinces which fell under the dominion of the Emperor, it has been but little altered in those which became the property of Russia. The laws of Poland are there maintained in all their rigour: the nobles, the clergy, and the women pay no taxes there: merchants are subject to only an impost of five per cent; and there is a capitation of a rouble per head levied on all other subjects.

There is still existing here, but bending towards its ruin, a detachment of that society heretofore so celebrated for its intrigues and its knowledge: which had penetrated into all parts of the globe, under the veil of religion; and which was regarded by Rome as her veteran legion, because it multiplied her conquests and maintained her power. This society indulged the hope of renovation under a foreign  
sovereign,

sovereign, after the general proscription it had suffered : but all attempts at establishing a house for novices at Mohilof were rendered fruitless by the opposition they met with. This seminary, containing about one hundred and fifty individuals, declines every day, and now presents only old men, who languish under the regret of not leaving any successors on the spot where persecution stopped out of pity to their weakness.

But I will quit these provinces, separated forever from Poland, and return into the bosom of that republic, to enquire what are its resources and present constitution.

I have shewn that, since the diet of 1775, the executive power has been vested in a permanent council. This council is composed of thirty-six members : that is, of the king, who is chief and president ; three bishops, at the head of whom is the primate ; nine lay senators ; four ministers of the republic, which is one for each department ; the marshal of the diet ; and eighteen members of the noble order.

All the members of this council, the chief only excepted, must be elected every two years : and even the primate cannot be rechosen until two years after he ceased to be a member.

The whole council is not renewed at the same time : twelve of the old members are preserved ;

fix



fellors : and they have tribunals for trying criminal causes, from whence there is no appeal.

Poland has but few manufactures, though flax and hemp are produced there in abundance for exportation. The pasturage is good for feeding cattle and sheep, which might afford hides and wool more than sufficient for home consumption. Her timber for ship-building might be made a profitable article of commerce, and she might supply foreign navies with pitch and tar. Her excellent honey and wax would also be profitable to her : and, by means of her potashes, from which she derives little profit, gunpowder might be easily manufactured, and sold to those powers who turn it to so cruel a use. But what avails it to a people, that their country produces for them all the raw materials for manufacturing, when they have not industry to employ them ? If they sell them to others, they must repurchase them in a manufactured state : and the price they must pay for the manufacturing will carry away all the money they ought to receive, and which they might have doubled by their labour. Thus the balance of trade is in disfavour of Poland.

This country might have an inexhaustible source of wealth in the fertility of her soil. It was once called *the granary of the North* : but slavery soon renders the most fruitful vallies barren : and the harvest cannot increase amidst civil wars and servitude.

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fix of whom are of the senate, and fix of the noble order.

The senators and ministers are always candidates at the election ; and the gentlemen who wish to be admitted, present themselves to the marshal of the diet. Every voter is provided with a printed list of all the candidates, and he underlines the name of him he is willing to elect.

This permanent council is divided into five departments : that of foreign affairs ; that of police ; that of war ; that of justice ; and that of finance : and the whole council assembles as often as it is judged necessary.

The king has two suffrages ; and when he does not chuse to preside, the primate, or, in his absence, the first senator, proposes the questions for deliberation. The king, though absent, can send his two suffrages.

The permanent council has no part in the legislation ; neither in the administration of justice : its functions are confined to the execution of the laws ; to the examining all projects which are proposed to them ; and to the appointing one out of the three candidates to fill any vacant office, the nomination to which does not belong to the king.

The right of making war or peace ; ordering the levy of troops ; concluding alliances ; assessing taxes ; and, in fine, of performing all acts of sovereignty is vested in the general diet.

There

There are in Poland two kinds of diets; the ordinary and extraordinary diets: the first are convoked every two years; the other, when any unforeseen occasion requires their meeting.

The king takes the advice of the council previous to his convoking a diet: he then convokes them by addressing letters to the palatines of the different provinces, six weeks before the assembly is to meet.

The diet is composed of the king, the senate, and the nobles, represented by their nuncios or deputies.

The king presides in the diet as its chief: he signs all the acts and decrees which are passed there; and they are all published in his name, and in the name of the republic; but he has not the right of opposing its resolutions: this was the reason of my observing, in the preceding chapter, that the *liberum veto*, enjoyed by each deputy, although restrained, conferred upon him a power superior to that of the king.

The second order of the diet is the senate, which is composed of ecclesiastics and laymen. The chief persons of the senate are the bishops, and the primate, who during an interregnum, is chief of the senate, and vice king.

The lay senators are the palatines, the castellans, and the great officers of state. The palatines are the governors of the provinces, and they hold their govern-

governments for life. They command the troops of their respective palatinates, in time of war : they convoke the assemblies, and preside in the courts of justice. The castellans are their lieutenants ; and have no employment but during a war.

The great officers of the republic, who have seats in the senate, are ten in number : they are the two grand marshals of Poland and Lithuania ; the two grand chancellors ; the two vice chancellors ; the two grand treasurers ; and the two vice admirals.

The third order of the diet is formed of the nuncios or representatives of the nobles : these nuncios are chosen in what are called the *diétines* of each palatinate ; where every gentleman of eighteen years of age may present himself, give his suffrage, or be elected. It is necessary to his admission, that he should be of noble extraction ; that he has not exercised any profession but that of arms ; and that he either possesses land in Poland, or is descended from some family that does. There were counted in Poland, before the division made of it by Austria, Russia, and Prussia, no less than two hundred thousand of these gentlemen, condemned under pain of degradation, to lead a life of idleness during a peace, and to sacrifice their blood in a war.

The senators and the nuncios have their particular halls. The nuncios chuse their president before they proceed to any other business : when this election is made, the two chambers unite ; the nuncios  
kiss

kiss the king's hand, and the members afterwards take their places.

The king is seated on an elevated throne, at one end of the hall ; and at the opposite end sit the ten officers of state in elbow chairs. The bishops, palatines, and castellans or lieutenants, are ranged in three lines on either sides of the throne, seated also in elbow chairs ; and behind them are placed the nuncios on benches covered with red cloth. The senators have the privilege of being covered : the nuncios sit with their heads uncovered.

When the king is disposed to speak, he rises from his seat ; and coming a few steps forward, he calls to him the ministers of state. Then the great officers of the crown, who occupy places behind the senate, advance towards the king ; and the four grand marshals, striking the ground at the same time with their staves of office, the first in rank announces that the king is going to speak.

Thus we see it was with reason M. de Voltaire said, that, in the eyes of a stranger, the king of Poland seemed to be the sovereign in Europe who had the most power ; and that, nevertheless, he was the one who had the least.

The throne, which proudly overlooks the whole national assembly ; all the nuncios kissing the king's hand so, humbly and remaining uncovered before him ; the great officers who listen for the signal to surround him ; the silence prescribed to the whole assem-

bly four marshals; and the announcing that the king is going to speak; do they not mark a powerful monarch, who deigns to permit his prelates and his nobles to deliberate before him: but who, in the moment that he is disposed to manifest his intentions, commands them to stifle all their thoughts, and listen only to his orders?

This respect, this veneration for the chief of a state has nothing in it but what is truly noble: and unhappy will be the people who environ not with all the pomp of royalty, the prince whom they have placed upon the throne: the less they exalt him, the more they will be themselves debased. It is either not necessary for a nation to have a king, or it is proper that the prince, which is placed at its head, should be dignified by such an august display of majesty, that all below him should still appear sufficiently grand. The king of England, being served on the knee in his palace, ennobles the nation, whose representatives sit with him, and limit his power.

When the diet is assembled, the permanent council have no occupation: they only attend in a particular place in the senate, to answer for their own conduct: and if there have been no complaints made against them; or such only as were unfounded; they receive a public assurance of approbation. But if they have exceeded their powers, they incur reproach;

reproach ; and the culpable members may be pronounced guilty of high treason by the diet.

Thus the executive power becomes nothing before the legislative power, but appears merely as its subject. This is one of the most admirable points in the Polish constitution, and one with which the new constitution of France should be enriched. If at the meeting of each of their legislatures, the ministers of the king were to sit apart in the national assembly ; to attend the examination of their past conduct ; to answer to all the complaints brought against them ; and to receive a public proof of approbation or censure ; the word *responsibility* would have a more determined meaning ; and the period for such ministers to be dismissed from office, and make reparation for their faults, would become more certain.

After the members of the diet have attended to the reading of the *pacta conventa*, and examined whether it has not been infringed in any point, they elect the new members of the permanent council : after which the two chambers of senators and nuncios separate, and sit in their respective halls, for discussing the affairs which come before them. All matters relative to the finances are determined by a majority of votes : but business of still higher importance can only be decided by the unanimous voice of the hall : and their decision is stopped by the opposition of one single nuncio. This absurd



privilege, of stopping a decision by one single negative, took rise in Poland in the year 1652, under the reign of John Casimir : a nuncio of Lithuania pronounced these words in the diet, with a loud voice, *let all deliberation be stopped*, and he afterwards entered his protest with the chancellor. The assembly was struck with this daring act : they hesitated whether to continue or suspend their deliberations : those who were for suspension joined the nuncio of Lithuania : and the pride of the Poles being flattered by the idea, that a single individual among them could bear down the king, the senate, and the order of nobles, when his opinion differed from theirs, nothing more was necessary for inducing them to confer on each nuncio, by a fundamental law, the privilege of a *liberum veto*. A regulation, proposed by the most consummate wisdom, would not have been so universally adopted, so constantly maintained, as this wild attribution of a right, by which more than one diet have been rendered wholly useless.

According to the old laws of Poland, the ordinary diet must not continue more than fifteen days ; nor the extraordinary diet more than six weeks : in the sixth week of this diet, the senators and nuncios must unite, for examining which of the laws proposed have been approved of unanimously : such as have, are signed by the marshal of the diet, and by the nuncios ; the others are rejected : and as  
soon

soon as this is done, the diet is, by the same laws, at an end. These limits have however been extended by the late diets: and it must be acknowledged, that a body, in which the sovereign power resides, cannot be dissolved at any fixed period against its will. As there is but one sovereign in a state, and as there is consequently nothing superior, which can dictate laws to that sovereign, it cannot be restrained from continuing to exercise its power.

The king of Poland gives audience to ambassadors and to foreign ministers: he confers with them; but he cannot conclude upon any thing without the approbation of the council. He owes, to his prudence and to his noble firmness, the preservation of these royal privileges: and, by an act of the present diet, the right is established to him of creating senators, both ecclesiastical and secular: appointing the ministers of state; the great officers of the crown, and of Lithuania; the dignitaries of the equestrian order; the arch-bishops and bishops; and of conferring the principal military employments.

The republic entertains for him a troop of two thousand men, who depend only upon him. They are composed of *bulans*, or light cavalry, who are almost all Tartars or Mahomedans: an escort of these troops always accompany him, and he can depend on their fidelity.

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A revenue is assigned him to the amount of near one hundred and seventy thousand pounds sterling a year : out of which he has only to pay the expences of his household and his own domains : all the general expences, as well as the salaries of the principal officers, are paid out of the public revenue.

The armies of Poland and Lithuania are independent of each other, and commanded by their own generals : but, in time of war, they unite under the king's command, who places himself at their head. They form together a body of about eighteen thousand men.

So weak an army would certainly not dare to meet those which might be opposed to it, by the powers who encircle Poland : but it is soon reinforced by the nobility of the palatinates, whom the king can summons, though not without the consent of the diet. When this summons is given, every person, possessed of a freehold estate or lordship, is bound to afford military service ; and either alone or at the head of a certain number of armed men, range themselves under the command of the officers belonging to the respective districts of the palatinates. This army, in which the Polanders place all their confidence, is called *Pospolita*, and amounts to one hundred thousand men : but it betrayed its weakness in 1734, when it was dispersed by ten thousand Russians. All is not done, when one hundred thousand

thousand knights are assembled : forage and every kind of provision must be prepared ; they must be disciplined, taught to manœuvre, and to keep steadily to their standard : they may otherwise be formidable in the first moment of zeal and impetuosity, but the least check will discourage them ; the least delay extinguish their ardour : they must conquer at once, or they will abandon the field of glory, and return to their homes.

Soldiers, kept in pay like those of Russia and Prussia; who are enured to rigorous discipline; accustomed to obey, and to support the fire of an enemy with fortitude : whose trade it is to brave death themselves, and deal it to others : who present to the foe a front bristling with lances ; and who, like a rock from whence the thunderbolt recoils, stop with impregnable firmness the shock of cavalry, who soon disperse under an equally supported fire : such battalions, contemptible as they appear in the eyes of liberty, will always have a great advantage over troops little acquainted with military discipline ; who prize life more than victory ; who suffer themselves to be hurried along among those who are routed, and never know how to rally ; and who stupidly insensible to the voices of their officers calling upon them in vain to return, and urged by their increasing terrors, fly more rapidly than they are pursued.

If this *pospolite*, which may be compared to those volunteer bands which were formed under the old feudal system of France, and which were called the *ban* and *arrier ban*, is not sufficiently formidable to be feared by the enemy, it is still able to do much mischief at home; by multiplying those confederacies which tear the bosom of their country, as contending tempests do that of the ocean. After examining Rousseau's observations on the government of Poland, we shall know what to think of these confederacies, with the idea of which his republican mind appears to have been pleased.

The court of Rome still maintains the right of causing to be published, and executed, the *bulles* which it directs to the Polish clergy, without consulting the civil power. This strange authority, supported by superstition, is undoubtedly less to be feared than that of the armed powers, who have arrogated the right of giving laws to Poland: but it is very oppressive, in consequence of the sums it draws from that unhappy country; whose commerce is not sufficiently flourishing to repair the loss of money, which the pope receives in exchange for his *bulles*, his dispensations to marry, and his permissions to use that kind of divorce authorised in Poland, and which is considered as one branch of Polish liberty,

The burgresses, or inhabitants of the cities of Poland, have lost almost all the privileges they formerly

merly possessed. In the thirteenth century the inhabitants of Cracow, and of many other cities, were incorporated; had municipal officers; and enjoyed many immunities. Commerce and the arts flourished under the auspices of these privileges: even the nobles did not think themselves degraded by exercising them; and the cities sent deputies to the diets, and took part in the administration of the republic. But the nobles, who resided on their own domains, grew jealous of the prosperity of the merchants: and, determined on their humiliation, they denied the deputies of the cities admission to the *dietines*, or diets, of the provinces; and established it as a rule, that any Polander, who should engage in commerce, or follow any profession but that of arms, should be no longer permitted to rank among them.

There is now scarcely any privilege remaining to distinguish the burghers of a city from a peasant, except that one which obliges a Polish noble, if he prosecutes a citizen, to cite him to appear before the magistrates of the city which he inhabits; and there is no appeal from the decision of that magistrate but to the king. By this regulation, those who are burghers cannot be arbitrarily dragged before the tribunal of the nobles, and by that means afford their prosecutor the hope of getting them condemned, though they have not offended. The cities elect their own burghmasters and their counsellors:



fellors : and they have tribunals for trying criminal causes, from whence there is no appeal.

Poland has but few manufactures, though flax and hemp are produced there in abundance for exportation. The pasturage is good for feeding cattle and sheep, which might afford hides and wool more than sufficient for home consumption. Her timber for ship-building might be made a profitable article of commerce, and she might supply foreign navies with pitch and tar. Her excellent honey and wax would also be profitable to her : and, by means of her potashes, from which she derives little profit, gunpowder might be easily manufactured, and sold to those powers who turn it to so cruel a use. But what avails it to a people, that their country produces for them all the raw materials for manufacturing, when they have not industry to employ them ? If they sell them to others, they must repurchase them in a manufactured state : and the price they must pay for the manufacturing will carry away all the money they ought to receive, and which they might have doubled by their labour. Thus the balance of trade is in disfavour of Poland.

This country might have an inexhaustible source of wealth in the fertility of her soil. It was once called *the granary of the North* : but slavery soon renders the most fruitful vallies barren : and the harvest cannot increase amidst civil wars and servitude.

tude. The Polish peasant is not sufficiently happy on the land he cultivates, to make him try to increase its produce.

The peasants of Poland are of three classes: the first includes those of German origin, who enjoy some privileges denied to the natives of the country: the second are styled the peasants of the crown; they cultivate the fiefs, and are less unfortunate, less oppressed than the others; because they have a right of appeal from any sentence pronounced against them to the royal courts. The third class are the peasants dependent on the lords; and these are, of all the three classes, the most miserable. They have no security for their property, or even for their lives; the highest of all concerns. This horrid injustice sprung up in the ages of barbarism: and until the time of Casimir the Great, the lord had not only a right to kill a peasant of his estate, but became his heir, if he left no children. Casimir made a law, by which any lord, convicted of having deprived an inhabitant of Poland of his life, was condemned to pay a heavy fine: and, in order to remove the temptation for carrying wickedness to the last degree of ferocity, he ordained that the property of a villager, who died without children, should pass to his nearest relation. A law so wise and moderate could not be tolerated in Poland: after the death of the prince, by whom it was instituted, its abrogation was obtained in consequence of a requisition

quisition of the lords, and the maxim so well known in Poland, *that a slave cannot bring an action against his lord*, recovered all its force. Thus, at the death of a villager who left no children, the lord began by possessing himself of his heritage; and not one relation of the deceased dared to dispute it with him before the tribunal of the nobles.

While the law in favour of the peasants was thus annihilated, all those which were against them, gathered strength and authority by time: and there exists, among others, one which pronounces very severe penalties on those who should quit their habitations without leave. Nothing can more plainly demonstrate the excessive misery of these poor peasants, than the sentences pronounced, in consequence of this ferocious law, upon many of them, who ventured to expose themselves to its rigour, rather than remain attached to a domain, on which they reaped nothing but oppression and misery.

It must be supposed that tyranny, passion, and rage had greatly multiplied the murders committed by the lords, when the diet in 1768 made a law which condemned to death any Polish noble who should kill a peasant: but this law was rendered almost ineffectual, by the proof it required of the deed: for it insisted, *that the murder should be proved by two nobles and four peasants*. If there was not this number of witnesses, the sentence of death was converted into a simple fine, which was never paid,  
because

because the relations of the victim dared not demand vengeance from the law.

There were, however, under the eyes of these cruel lords, examples of justice and humanity which ought to have enlightened their reason, and convinced them that merciless masters act against their own interest; since they would find their views better answered, by treating their vassals with equity, than by being harsh and oppressive. In 1760 the late chancellor emancipated, in the palatinate of Mazovia, the inhabitants of six villages. Before their emancipation the usual number of births among these slaves was forty-three: after they became free, the average was seventy-seven: so much does liberty endear life, and promote the desire of transmitting it. The revenue of the lands, cultivated by these freed peasants, increased in a still greater proportion, for they were almost trebled to their lord; to whom its inhabitants now paid money in lieu of the *corvée* labour. \*

Accord-

\* Similar instances of an extraordinary increase in the produce of estates, and the number of births upon them, have occurred in our West-India islands; not from the emancipation of the slaves, but in consequence of their being treated with that care and humanity which rendered their condition little inferior to that of comfortable servitude.

One very striking instance of this kind is known to have happened some years since in Jamaica. A gentleman, whose name

According to the usage of Poland, the lord is obliged to furnish his vassals with cabins to dwell in, implements for their work, and seeds to sow the

I lament my not being able to recollect, as it deserves to be recorded, came into possession of an estate in bad condition, and very scantily stocked with negroes. This gentleman, pursuing the dictates of a benevolent heart, in opposition to the too general practice of the island, treated the half-starved, feeble wretches, who were, like the ground they cultivated, become his property, with the indulgence and attention of a kind master. The experiment answered his wishes: his negroes became healthy, strong, and industrious; his crops were ever season more abundant: and so greatly was the number of these happy slaves increased in the space of about eighteen years, though without the addition of a single one from the market, that their master was obliged to purchase a contiguous estate as large as his own, which had been nearly depopulated by the barbarous severity of the owner, for the purpose of employing the supernumeraries who had been born in his service.

This circumstance, which is well authenticated, was mentioned more at large in a Letter, which appeared in the London newspapers about four years since, on the Slave Trade, written by a gentleman, who had resided many years in the West Indies. The arguments used by this writer (who subscribed himself Dean of Middleham) shewed him possessed of much philanthropy, much good sense, and a competent share of local knowledge, to render him master of the subject upon which he wrote: and it is to be hoped that his letter reached the meridian where it was most likely to serve the cause of humanity, by convincing the planters that it would conduce as much to their interest, as to the happiness of their slaves, if they were to adopt the system marked out for them, and so successfully practised, by the gentleman of whom I have been speaking.

ground.

ground. But these emancipated husbandmen find dwellings at their own expence, purchase implements for their own use, and, sowing the fields with the savings of their last year's harvest, bless and enrich their benefactor. This example, which it would have been so glorious and so beneficial to follow, has been imitated by very few of the Polish lords.

Prince Stanislaw, nephew to the present king, is one of those few: and, after having given freedom to the inhabitants of four villages near Warsaw, he made every possible effort for extending the noble gift of liberty to all the other lordships: but a blind self-interest has hitherto resisted his noble system of benevolence and humanity.

After having taken a view of the miserable husbandmen of Poland, how is the minds of Frenchmen gratified by turning their regards on those who inhabit their own plains, and reflecting that they participate with them those rights, on which France is forming the basis of immense credit. In Poland we behold slaves: in France freemen. Alas! why has this delightful idea been clouded over by the excesses of licentiousness? If the lords have been unjust, is that a reason why their vassals should become furious? If the former have acquired too much, ought the latter to tear from them every thing they possess? When justice, even beyond their  
hopes,

hopes, was granted to the people of France, why did they, instead of receiving the favour with the acknowledgements of men relieved from misery, impoison it by transports of vengeance. In pushing the love of equality even to madness, they have cast an eye of envy on those towers which rise above their thatched roofs; and have sought to reduce them to the level of their cabins. Instead of confining themselves to the defence of their own property, they have attacked that of other men: and they who have complained of being oppressed, are become the most cruel oppressors. It was with torches in their hands that they demanded the abolition of those titles, which have been annihilated without mischief by one single decree.

As for us inhabitants of the cities, have we shewn ourselves more equitable? We who revolted against acts of arbitrary power, have we not committed still greater iniquity? Instead of tranquilly enjoying the sweets of liberty at home, we have sought to extend it, at one throw, round both the hemispheres! Have we calculated what our manufacturers, what our maritime cities would lose, if all at once our colonies should separate from the mother country, either by rendering themselves independent, or by the too precipitate emancipation of their slaves? Have we compared the nature of the productions  
of

of our islands, and the kind of labour they require, with the fruits of our own soil, and the manner of cultivating them ?

He who breathes these complaints against the violence of his fellow citizens, is a lover of all mankind, whatever may be their features or complexion; and wherever he sees injustice or cruelty, his heart swells with indignation : but he fears those who know not how, except by destroying, to reform\*.

In

\* This philippic from the pen of M. de la Croix, who was one of the most zealous promoters of a reform in the abuses which had been introduced into the French government, and the usurpations which had been made on the French constitution, must give the fullest confirmation, if any was required, to the testimony of the Abbé Raynal and M. Neckar, (not to mention that of many others, who had from the first disapproved, because they were aware of the consequences of this outrageous project of reformation), respecting the horrid excesses committed by the partizans of that strange mixture of anarchy and tyranny which is now seen existing in France under the specious name of *democracy*, though it has no one feature of a legitimate form of government to entitle it to the appellation.

The question on which the two parties now existing in France, will be at issue before posterity is, whether the violent measures pursued by the revolutionists were, or were not, necessary for obtaining a restoration of their rights? If they were necessary, the leaders of the people of France are free from blame in having thrown the whole kingdom into a state of both civil and military license, disorder, and anarchy, as those evils were inevitably connected with the recovery of their rights. But was there, could there be, such a necessity, " when (to use the words



In countries, such as Poland, where franchisement is not attended with danger, I would have liberty

“ of M. de la Croix) justice was granted them beyond their “ hopes ?” When a King who has been repeatedly called by themselves *the first friend of his people*; to whom they have given the surname of *Restorer of French Liberty*, had come voluntarily forward to offer a free constitution; and had submitted to the consideration of the assembled representatives of the people, convened by him, for the express purpose of consulting with him on the means of providing effectual redress for the grievances of his subjects, the rudiments of reforms, which a candid observer will find to contain, at least, all the good, without any of the evils which have attended their rejection ?

If liberty had been the object of these leaders, why did they spurn it when generously offered by their monarch ? Why did “ the “ people of France (to use the words of the late M. de Mirabeau) “ disdain to accept freedom as the gift of a King,” when that King had extended his plan to a complete renovation of their constitution, and the establishment of liberty on a rational and permanent basis ? But, no—“ instead of receiving it with the acknowledgments of men, relieved from misery, they poisoned it with “ transports of vengeance.” “ It was with torches in their hands “ that they demanded the abolition of those titles (to exclusive “ privileges, exemptions, &c.) which were annihilated without mischief by a single decree,” and the abolition of all the oppressive parts of which had been already proposed by the King in the 13th article of his declaration. But to seize upon, “ to tear every “ thing away,” was their determination; and as the Chevalier Bantinaye observes, in his manly and spirited declaration, “ having only evil for their end, they saw in the condescension of granting all which they demanded, nothing but an advantage to be “ seized, and a reason for redoubling their violence.”

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erty bestowed without reserve : I would have the lords retain their vassals on their estates by kindness

The consequences produced by this mad rage for innovation ; this project of *destroying* in order to *reform*, are described with equal feeling and truth by the Abbé Raynal in his letter to the National Assembly, where he exclaims with the lively sorrow of *an old friend to freedom*, who saw all his hopes, all his expectations ruined by a frantic spirit of licentiousness, “ What do I behold around me ?  
“ Religious troubles ; civil dissensions : the contention of some ;  
“ the audacity and rage of others : a government enslaved by  
“ popular tyranny : the sanctuary of the laws surrounded by un-  
“ ruly men, who alternately dictate to, or brave them : soldiers  
“ without discipline : chiefs without authority : ministers without  
“ means : a king, the first friend of his people, plunged into  
“ affliction ; outraged, menaced ; despoiled of all authority ; and  
“ the public power existing no more but in clubs, where ignorant  
“ or gross men dare to pronounce on all political questions.”

The state papers which are referred to by M. de la Croix, when he says *justice was granted them beyond their hopes* ; and by M. de la Bintinaye, when he speaks of *more being granted them than they demanded*, are the two declarations read by the king's command, and in his presence, to the general assembly of the three orders of the states on the 23d of June 1789.

The first of these was arranged with much wisdom and equity ; and had for its object the terminating of those dissensions which the third estate had artfully, factiously, and treacherously raised against the constitution and practice of the states general, for the purpose of extinguishing all the political power of the two higher orders ; that their conspiracy for the total abolition of these orders, *whose towers they saw with envy rise above their thatched roofs, and sought to reduce to the level of their cabins*, might be the more easily carried into effect.

ness only; and require from them moderate redemptions: this was the case in America, where the colonist

The second is a declaration of the king's voluntary intentions of reformation in all the different departments of government; proclaimed to the nation in so public a manner, as to make his majesty stand pledged to the performance of every article.

That my readers may be able to judge whether the redress offered, in this solemn avowal of the king's intentions, was not sufficiently full, sufficiently extensive, to have satisfied all men, except those who knew not how to reform but by destroying, I shall subjoin some of the most important articles, faithfully translated from the Declaration, as it stands recorded in the *Procès Verbal* of the 23d of June 1789.

1. " No new impost shall be established, no old one shall be prolonged, beyond the term fixed by the laws, without the consent of the representatives of the nation.

2. " The new imposts, which may be established, or the old ones which may be prolonged, shall only be so for the time which shall intervene before the next meeting of the States General.

3. " As loans may become the occasion of a necessary increase of taxes, no loan shall take place without the consent of the States General; with this proviso however, that always in case of war, or of any other national danger, the sovereign shall have a power of borrowing, without delay, any sum not exceeding one hundred millions; about four millions; for it is the express intention of the king, never to let the salvation of his empire depend on any person.

4. " The States General shall carefully examine the state of the finances, and shall demand all the statements necessary to a perfect knowledge of them.

5. " An account of the revenue and expenditure shall be published every year, in some manner proposed by the States General, and approved of by his Majesty.

5. " The

colonist began by softening slavery; and where liberty was not considered as a right but a reward.

I would

6. " The sums appropriated to each department shall be fixed invariably; and the king submits to this general rule even the sums destined for maintaining his household.

7. " It is the King's will, that in order to assure this fixed state of the divers expences of the state, the arrangements proper for that end, shall be pointed out to him by the States General: and his Majesty will adopt them, if they accord with the royal dignity; and the indispensable celerity of the public service.

8. " The representatives of a nation, faithful to the laws of honour and probity, will do no injury to the public faith; and the King expects from them, that the confidence of the creditors of the state shall be assured and consolidated in the most authentic manner.

9. " When the firm intentions, announced by the clergy and nobility, of renouncing their pecuniary privileges, shall have been realized by their votes, it is the king's intention to give them his sanction; and that there shall no longer exist, in the payment of pecuniary contributions, any privilege or distinction whatever.

10. " It is the king's will, in order to consecrate so important an intention, that the name of *taille* be abolished throughout the kingdom; and that that impost, whether it be consolidated with the twentieths, or with some other territorial imposition, or that be replaced by some other tax, shall always be assessed in a just and equal proportion; and without any distinction of condition, rank, or birth.

11. " It is the king's will, that the duty of *franc-fief* be abolished from the moment in which the established income and fixed expenditure shall be exactly balanced.

I would not encourage, by premiums, the negro trade; but I would tolerate it until all the powers should

12. "All property, without exception, shall be constantly respected; and his Majesty includes expressly under that name, the property of *tents, hundredths, rents, rights, and feudal and signorial duties*: and in general, all the rights and prerogatives, useful or honorary, attached to lands and fiefs, or pertaining to men."

This article may possibly be objected to by those, who, mistaking the abuses which time had introduced and sanctioned in the French government, for evils existing in the French constitution; suppose that the King could of himself have given relief to his subjects in the oppressions which they suffered under the feudal system; and that it was contradicting his own promises of redressing their wrongs to insist thus strongly on their compliance with every thing required by the feudal laws,

The fact is, that the King of France, as executor of the law, was bound to protect all property: the rights, duties, &c. specified in the above article, were as much the property of those to whom they pertained, as any other part of their possessions, and equally under the safeguard of the law: and the King cannot, according to the constitution of France, which he proposed to renovate and purify from all abuses and usurpations, forbear to provide, by every precaution in his power, for the protection of what was indispensable legal property, because held under existing laws. It was the business of legislature, which by the French constitution consisted, as in England, of the King and the representatives of the nation, to repeal the laws by which these rights were held, if they were become oppressive to the people: and we accordingly find the King in the ninth article, announcing his determination of sanctioning the renunciations intended by the clergy and nobles, as soon as their intentions should be realized by the votes of their representatives;

should humanely agree to change the present method of forcing from their country the natives of Africa,

representatives; and this was all the King could do as one member of the legislative power. The rights enjoyed by the crown, under the old feudal establishment, and which pertained to him, he either wholly relinquishes, or directs the legislative body to consider on the means of converting them into some pecuniary contribution, to which all ranks shall be equally subject.

13. " The two first orders of the state shall continue to enjoy an exemption from personal service; but the States General would have the King's approbation in considering the means to convert this sort of service into pecuniary contributions; to which all the orders of the state should be equally subject.

14. " The intention of his Majesty is, to determine with the advice of the States General, what shall be the employments and commissions which shall in future retain the privilege of giving or of transmitting nobility. His Majesty will, nevertheless, according to the right inherent in the crown, grant letters of nobility to those of his subjects, who by services rendered to the king and to the state, shall have shewn themselves worthy of that reward.

15. " The king desirous of assuring personal liberty to all the citizens in a solid and permanent manner, invites the States General to search out and propose to him the most convenient means of reconciling the abolition of the orders, known by the name of *Lettres de Cachet*, with the maintainance of the public safety, and with the precaution necessary either for preserving, in certain cases, the honour of families; for repressing, with celerity, the commencement of seditions; or for securing the state from the effects of a criminal intelligence held with foreign powers.

Africa, whom they have purchased like any other commodity, into the simply engaging their services during a stipulated period.

We

16. " The States General shall examine, and make known to his Majesty, the most convenient means of conciliating the liberty of the press with the respect due to religion, morality, and the honour of citizens.

24. " The king invites the States General to consider of some proper means for managing, in the most advantageous manner, the domains in his hands; and to propose to him what they judge most convenient to do, relative to the mortgaged domains.

25. " The States General shall consider the design conceived long since by his Majesty, of removing the custom houses to the frontiers of his kingdom, that the most perfect liberty may prevail in the internal circulation of national and foreign merchandise.

26. " His Majesty desires that the vexatious effects of the duty on salt, and likewise the importance of the revenue arising from it may be carefully discussed by the States General; and that, in all the schemes they may suggest, the means of softening, at least, the mode of collecting that tax may be proposed.

27. " It is also his Majesty's will, that they shall examine attentively the *rights of aids* and other imposts; but without losing sight of the absolute necessity of insuring an exact equilibrium between the revenue and expenditure of the state.

28. " Agreeable to the wish manifested by the king, in his declaration of the 23d of September last, his Majesty will examine, with serious attention, the plans which shall be presented to him, relative to the administration of justice, and the means of bringing to perfection the civil and criminal laws.

29. " The King's will is, that the laws which be promulgated during the holding, and by the advice, or according to the vote

" of

We hire, from the Swifs, and from the Princes of Germany, foldiers to cut the throats of men: why

not  
“ of the States General shall meet with, neither in the enregister-  
“ ing of them, nor in the execution, any delay, or any obstacle  
“ throughout the whole extent of his kingdom.

30. “ It is his Majesty’s will, that the use of the *corvée*, for im-  
“ proving and keeping up the roads, be entirely and forever abo-  
“ lished throughout his kingdom.

31. “ The king desires that the abolition of the right of *mortmain*,  
“ of which his Majesty has given an example in his domains, shall be  
“ extended through all the kingdom; and that there be proposed  
“ some means of providing such indemnity as may be due to the  
“ lords in possession of that right.

32. “ His Majesty will make known, without delay, to the States  
“ General, the regulations he is devising, for restraining the *capitai-*  
“ *neries*; giving, in this particular, which so nearly affects his per-  
“ sonal enjoyments, a new proof of his affection for his people.”

The remainder of the thirty-five articles which constitute this declaration, relate to the establishment of provincial assemblies and other local matters; and none of them are in the least degree hostile to liberty. I omit them as uninteresting to an English reader.

The whole of this declaration will be found in the first volume of the *Procès Verbal* of the National Assembly, published by their order, and under their inspection; and there also will be seen the other declaration, read at the same time; the object of which was, preventing, in future, the dissensions in the assembly about the verification of powers, or trying of contested elections: the third order insisting that they should be tried before the general assembly of the three orders: the two other orders contending that each order should respectively try the elections of the members who were to represent its own body; as is the case in England, where the contests between the candidates for representing the Scotch peers  
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colonist began by softening slavery; and where liberty was not considered as a right but a reward.

I would

6. " The sums appropriated to each department shall be fixed invariably; and the king submits to this general rule even the sums destined for maintaining his household.

7. " It is the King's will, that in order to assure this fixed state of the divers expences of the state, the arrangements proper for that end, shall be pointed out to him by the States General: and his Majesty will adopt them, if they accord with the royal dignity; and the indispensable celerity of the public service.

8. " The representatives of a nation, faithful to the laws of honour and probity, will do no injury to the public faith; and the King expects from them, that the confidence of the creditors of the state shall be assured and consolidated in the most authentic manner.

9. " When the firm intentions, announced by the clergy and nobility, of renouncing their pecuniary privileges, shall have been realized by their votes, it is the king's intention to give them his sanction; and that there shall no longer exist, in the payment of pecuniary contributions, any privilege or distinction whatever.

10. " It is the king's will, in order to consecrate so important an intention, that the name of *taille* be abolished throughout the kingdom; and that that impost, whether it be consolidated with the twentieths, or with some other territorial imposition, or that be replaced by some other tax, shall always be assessed in a just and equal proportion; and without any distinction of condition, rank, or birth.

11. " It is the king's will, that the duty of *franc-fief* be abolished from the moment in which the established income and fixed expenditure shall be exactly balanced.

I would not encourage, by premiums, the negro trade; but I would tolerate it until all the powers should

12. "All property, without exception, shall be constantly respected; and his Majesty includes expressly under that name, the property of *tenures, hundredths, rents, rights, and feudal and signorial duties*: and in general, all the rights and prerogatives, useful or honorary, attached to lands and fiefs, or pertaining to men."

This article may possibly be objected to by those, who, mistaking the abuses which time had introduced and sanctioned in the French government, for evils existing in the French constitution; suppose that the King could of himself have given relief to his subjects in the oppressions which they suffered under the feudal system; and that it was contradicting his own promises of redressing their wrongs to insist thus strongly on their compliance with every thing required by the feudal laws,

The fact is, that the King of France, as executor of the law, was bound to protect all property: the rights, duties, &c. specified in the above article, were as much the property of those to whom they pertained, as any other part of their possessions, and equally under the safeguard of the law: and the King cannot, according to the constitution of France, which he proposed to renovate and purify from all abuses and usurpations, forbear to provide, by every precaution in his power, for the protection of what was indispensable legal property, because held under existing laws. It was the business of legislature, which by the French constitution consisted, as in England, of the King and the representatives of the nation, to repeal the laws by which these rights were held, if they were become oppressive to the people: and we accordingly find the King in the ninth article, announcing his determination of sanctioning the renunciations intended by the clergy and nobles, as soon as their intentions should be realized by the votes of their representatives;

should humanely agree to change the present method of forcing from their country the natives of Africa,

representatives; and this was all the King could do as one member of the legislative power. The rights enjoyed by the crown, under the old feudal establishment, and which pertained to him, he either wholly relinquishes, or directs the legislative body to consider on the means of converting them into some pecuniary contribution, to which all ranks shall be equally subject.

13. " The two first orders of the state shall continue to enjoy an exemption from personal service; but the States General would have the King's approbation in considering the means to convert this sort of service into pecuniary contributions; to which all the orders of the state should be equally subject.

14. " The intention of his Majesty is, to determine with the advice of the States General, what shall be the employments and commissions which shall in future retain the privilege of giving or of transmitting nobility. His Majesty will, nevertheless, according to the right inherent in the crown, grant letters of nobility to those of his subjects, who by services rendered to the king and to the state, shall have shewn themselves worthy of that reward.

15. " The king desirous of assuring personal liberty to all the citizens in a solid and permanent manner, invites the States General to search out and propose to him the most convenient means of reconciling the abolition of the orders, known by the name of *Lettres de Cachet*, with the maintainance of the public safety, and with the precaution necessary either for preserving, in certain cases, the honour of families; for repressing, with celerity, the commencement of seditions; or for securing the state from the effects of a criminal intelligence held with foreign powers.

Africa, whom they have purchased like any other commodity, into the simply engaging their services during a stipulated period.

We

16. " The States General shall examine, and make known to his Majesty, the most convenient means of conciliating the liberty of  
" of the press with the respect due to religion, morality, and the  
" honour of citizens.

24. " The king invites the States General to consider of some  
" proper means for managing, in the most advantageous manner,  
" the domains in his hands ; and to propose to him what they judge  
" most convenient to do, relative to the mortgaged domains.

25. " The States General shall consider the design conceived  
" long since by his Majesty, of removing the custom houses to the  
" frontiers of his kingdom, that the most perfect liberty may  
" prevail in the internal circulation of national and foreign mer-  
" chandise.

26. " His Majesty desires that the vexatious effects of the duty  
" on salt, and likewise the importance of the revenue arising from  
" it may be carefully discussed by the States General ; and that, in  
" all the schemes they may suggest, the means of softening, at least,  
" the mode of collecting that tax may be proposed.

27. " It is also his Majesty's will, that they shall examine at-  
" tentively the *rights of aids* and other imposts ; but without  
" losing sight of the absolute necessity of insuring an exact equi-  
" librium between the revenue and expenditure of the state.

28. " Agreeable to the wish manifested by the king, in his de-  
" claration of the 23d of September last, his Majesty will examine,  
" with serious attention, the plans which shall be presented to him,  
" relative to the administration of justice, and the means of bring-  
" ing to perfection the civil and criminal laws.

29. " The King's will is, that the laws which be promulgated  
" during the holding, and by the advice, or according to the vote  
" of

We hire, from the Swifs, and from the Princes of Germany, foldiers to cut the throats of men: why

not  
“ of the States General shall meet with, neither in the enregister-  
“ ing of them, nor in the execution, any delay, or any obstacle  
“ throughout the whole extent of his kingdom.

30. “ It is his Majesty’s will, that the use of the *cor-vée*, for im-  
“ proving and keeping up the roads, be entirely and forever abo-  
“ lished throughout his kingdom.

31. “ The king desires that the abolition of the right of *mortmain*,  
“ of which his Majesty has given an example in his domains, shall be  
“ extended through all the kingdom; and that there be proposed  
“ some means of providing such indemnity as may be due to the  
“ lords in possession of that right.

32. “ His Majesty will make known, without delay, to the States  
“ General, the regulations he is devising, for restraining the *capitai-*  
“ *neries*; giving, in this particular, which so nearly affects his per-  
“ sonal enjoyments, a new proof of his affection for his people.”

The remainder of the thirty-five articles which constitute this declaration, relate to the establishment of provincial assemblies and other local matters; and none of them are in the least degree hostile to liberty. I omit them as uninteresting to an English reader.

The whole of this declaration will be found in the first volume of the *Procès Verbal* of the National Assembly, published by their order, and under their inspection; and there also will be seen the other declaration, read at the same time; the object of which was, preventing, in future, the dissensions in the assembly about the verification of powers, or trying of contested elections: the third order insisting that they should be tried before the general assembly of the three orders: the two other orders contending that each order should respectively try the elections of the members who were to represent its own body; as is the case in England, where the contests between the candidates for representing the Scotch peers  
come



not hire labourers on the coast of Guinea, under a promise of returning them free into their country after a servitude of ten years, unless they should prefer continuing under the eyes of their late masters? The same power, which could sell them for ever, could bind them to us for a limited term. These labourers, returning home to their families, would bear to them those ornaments with which they are so fond of adorning themselves: they would convince their countrymen, that the white people are not *anthropophages*: and that if they employed the blacks, they paid them for their services. Upon seeing the savings made by these emigrants, thousands of negroes would burn to enrich themselves in the same manner, and to be enrolled in the same service.

Whenever a European ship appeared, multitudes of Africans would crowd to the shore, and embark with their free will: and the masters of these vessels would no longer find it necessary to shackle them with irons during a long voyage, for fear of having the men sacrificed to their fury. We should then see no more, great God! how shall I come before the House of Lords; and those for representing the commons are tried in the House of Commons.

It is worthy of remark, that these two declarations have never, as I believe, appeared in English; though more than one of our periodical publications have favoured us with every thing else which came that day before the Assembly; not excepting the King's speeches, which referred so particularly to these very important state papers.

speak

Speak it? we shall see no more an improvident captain, after having made of his ship a horrible prison, a sink of filthiness, if surprized at once by a calm, calculating that he has not sufficient provision to conduct his freight to the port for which his tyranny intended them; and, resolved on what is called *the sacrifice*, causing that part of them, which he cannot feed, to be precipitated into the ocean.

In consequence of this mode of obtaining negroes, the colonies would have no insurrections to fear; because the rebellious negroes would be sent home, and exchanged for others more docile: and the dread of being borne back to their own shores, destitute of every thing, would attach them to labour. The nation, from which foreign labourers experienced the best treatment, would be preferred: its flag would be expected with impatience: and a happy alliance would be formed between the four quarters of the universe, instead of the most shocking traffic.

This is, I believe, the wish of enlightened humanity: it is reconcilable with the prosperity of our colonies; the interest of our maritime towns; and would effectually alleviate slavery. and yet the man, who has ventured to publish this wish, has drawn reproach upon himself: so true it is, that intollerance is found in all sects, in all parties; even in that which professes to have the greatest love for mankind.

## C H A P. IX.

OF POLAND; OF THE JEWS; AND OF THE POLISH CONSTITUTION; BY JOHN JAMES ROUSSEAU.

**S**INCE the last partition of Poland, by which the kingdom was deprived of near five millions of inhabitants, its population is estimated at nine millions, among which there are six hundred thousand Jews, from whom arises a considerable branch of the revenue, as they and their children are subject to a capitation or poll-tax.

This people, so long despised, but who have always found means to make reprisals on the nations which admitted them for the contempt they received, enjoy in Poland many privileges which are refused to them in Germany. Lengnich, who has written several much-esteemed tracts concerning Poland, says, in speaking of the Jews, “ The Jews “ monopolize every branch of the commerce of the “ kingdom. They keep the inns ; they are *maistres* “ *d’ hotel* to the grandees ; and they have acquired “ such credit, that nothing is bought or sold but “ through the means of a Jew.”

Sobieski

Sobieski placed such confidence in them, that the nobles caused, after his death, a law to be inserted in the *pacta conventa*, by which they interdicted Augustus, his successor; the right of farming out the revenues of the crown to a Jew.

Though these people have no right to establish themselves but at Casimir and Pofnania, and that they are only permitted to reside in the other cities during the fairs and dietines, yet they and their children know so well how to manage on the occasion, that they sojourn wherever their interest calls them; and without paying a capitation proportioned to their number.

They possess over the Polanders that ascendancy which gold and industry acquire with people who are ignorant of the means of enriching themselves; and who are not willing to labour, which is the true source of wealth.

The Jew is not a husbandman, but he possesses a productive estate in the occasions of others. After lending to the farmer, to the land-owner, he begins by collecting the fruits of the ground; and he frequently finishes by swallowing up the ground itself. The privileges which France has granted to them, will perhaps exalt their thoughts and purify their industry.

One great source of the riches of the Jews lies in their frugality and œconomy. Hitherto they have considered money as the only property which was  
valuable

valuable to them, and they have endeavoured to improve that property to the utmost of their power. Now that they are permitted to convert their gold into houses and lands, and have acquired a civil existence, we must hope that they will shew themselves worthy of the benefits conferred upon them: that they will be no longer to a state like those deformed excrescences, which suck up the nourishing juices of the tree, and accelerate the decay of the body which sustains them.

The almost eternal existence of the Jews, and their dispersion over the whole face of the earth, has been regarded by many as a prodigy: but it would much more astonish me, if they were annihilated or even confined to one point of the universe: The Jews are by their laws obliged to marry: even the rabbi is not exempt from this obligation, in which the sweet and the bitter are mingled: they cannot contract matrimonial alliances with persons of any sect but their own: and wherever they have been established, intolerance and wickedness have persecuted them. They have therefore been obliged to fly from country to country, and to disperse themselves all over the earth: and they have, on their part, an equal contempt for all other religions. Thus, wherever they have hoped to meet with toleration and gain, their interest has conducted them.

As

As barrenness is with them a cause of divorce, this unhappy family of human nature has always increased more on that account: and, in short, every thing has favoured its multiplying, and nothing has opposed it.

All other nations have been when conquered, dissolved, if I may so express it, into the mass of their conquerors. They have taken their names; they have adopted their manners; and have seemed to disappear from the face of the earth. The Jews, on the contrary, preferring torments, infamy, flight, to the shame of uniting with their persecutors, have always supported themselves in their original state by their constancy and their wealth.

It results from these truths, that, so far from being lost and annihilated in any state where they are admitted, the Jews must increase in a greater proportion than other nations. The perpetuity and dispersion of the Jews are therefore not to be considered as miraculous, but as the natural effects of moral and political laws.

Since toleration alone was sufficient to raise the number of Jews in Poland to a ninth part of the inhabitants of the kingdom, it is probable that their number might have equalled the number of the Poles in the space of three centuries, if they had been permitted to farm all the revenues of the crown; and if no tax had been fixed on their children. This tax is unjust and even immoral: for a

new-born infant is so far from being a productive property, that it must be for a long time, burdensome to those who rear it : and surely it is not necessary, when an asylum is afforded to a wandering or fugitive people, to violate, with respect to them, the laws of justice ; and to poison a father's joy, by an additional impost.

I have dwelt longer upon this subject, because of its being connected with the constitution of Poland ; and because it ought to be more thoroughly investigated before it makes a part of the new constitution of France.

The alterations hitherto adopted by the diet have not, by any means, corrected all the abuses in the Polish constitution. The inhabitants of the cities have not obtained the justice they demanded : the situation of the peasants remains the same : but the absolute *veto* has been restrained to some constitutional points of the state ; and is weakened with respect to the administration. The following regulation has been made with respect to it, in the fourth article of the constitution, which has been adopted, and is become a law of the state.

“ The will of the nation, in the exercise of the  
 “ legislative power, shall be hereafter manifested,  
 “ by the uniformity or the majority of instructions.  
 “ *Unanimity shall be required for all the cardinal laws :*  
 “ *three fourths for political laws ; and two thirds for*  
*imposts ;*

“ *imposts*; and a simple majority for civil and criminal laws.”

This scale of suffrages agrees with the plan of reform pointed out by Rousseau. Perhaps the diet may in time successively adopt the other ideas of that philosophical legislator: they may perceive, as a modern writer has observed, “ that there exists in the constitution of Poland no counterpoise: that the diet is an absolute sovereign, the activity of which no power can either balance or temper: that it is at once legislator, elector, administrator, and executive power by the commissions emanating from it; and in fine the judiciary body.

“ That in excluding the burgeses of the royal cities, and the free peasants, not only from the right of sending deputies to the diets, but from that of concurring in the electional assemblies, natural justice is wounded; and prudence and public interest offended at once.”

I have shewn what Poland is at present; let us see what she may one day become, by supposing her willing to adopt the new form of government traced out for her by Rousseau, at the request of Count Wielhorski: for this republic has not yet been forced to bend under the yoke of the three powers who have so dearly sold to her the semblance of liberty.



quisition of the lords, and the maxim so well known in Poland, *that a slave cannot bring an action against his lord*, recovered all its force. Thus, at the death of a villager who left no children, the lord began by possessing himself of his heritage; and not one relation of the deceased dared to dispute it with him before the tribunal of the nobles.

While the law in favour of the peasants was thus annihilated, all those which were against them, gathered strength and authority by time: and there exists, among others, one which pronounces very severe penalties on those who should quit their habitations without leave. Nothing can more plainly demonstrate the excessive misery of these poor peasants, than the sentences pronounced, in consequence of this ferocious law, upon many of them, who ventured to expose themselves to its rigour, rather than remain attached to a domain, on which they reaped nothing but oppression and misery.

It must be supposed that tyranny, passion, and rage had greatly multiplied the murders committed by the lords, when the diet in 1768 made a law which condemned to death any Polish noble who should kill a peasant: but this law was rendered almost ineffectual, by the proof it required of the deed: for it insisted, *that the murder should be proved by two nobles and four peasants*. If there was not this number of witnesses, the sentence of death was converted into a simple fine, which was never paid,  
because

because the relations of the victim dared not demand vengeance from the law.

There were, however, under the eyes of these cruel lords, examples of justice and humanity which ought to have enlightened their reason, and convinced them that merciless masters act against their own interest; since they would find their views better answered, by treating their vassals with equity, than by being harsh and oppressive. In 1760 the late chancellor emancipated, in the palatinate of Mazovia, the inhabitants of six villages. Before their emancipation the usual number of births among these slaves was forty-three: after they became free, the average was seventy-seven: so much does liberty endear life, and promote the desire of transmitting it. The revenue of the lands, cultivated by these freed peasants, increased in a still greater proportion, for they were almost trebled to their lord; to whom its inhabitants now paid money in lieu of the *corvée* labour. \*

Accord-

\* Similar instances of an extraordinary increase in the produce of estates, and the number of births upon them, have occurred in our West-India islands; not from the emancipation of the slaves, but in consequence of their being treated with that care and humanity which rendered their condition little inferior to that of comfortable servitude.

One very striking instance of this kind is known to have happened some years since in Jamaica. A gentleman, whose name

According to the usage of Poland, the lord is obliged to furnish his vassals with cabins to dwell in, implements for their work, and seeds to sow the

I lament my not being able to recollect, as it deserves to be recorded, came into possession of an estate in bad condition, and very scantily stocked with negroes. This gentleman, pursuing the dictates of a benevolent heart, in opposition to the too general practice of the island, treated the half-starved, feeble wretches, who were, like the ground they cultivated, become his property, with the indulgence and attention of a kind master. The experiment answered his wishes: his negroes became healthy, strong, and industrious; his crops were ever season more abundant: and so greatly was the number of these happy slaves increased in the space of about eighteen years, though without the addition of a single one from the market, that their master was obliged to purchase a contiguous estate as large as his own, which had been nearly depopulated by the barbarous severity of the owner, for the purpose of employing the supernumeraries who had been born in his service.

This circumstance, which is well authenticated, was mentioned more at large in a Letter, which appeared in the London newspapers about four years since, on the Slave Trade, written by a gentleman, who had resided many years in the West Indies. The arguments used by this writer (who subscribed himself Dean of Middleham) shewed him possessed of much philanthropy, much good sense, and a competent share of local knowledge, to render him master of the subject upon which he wrote: and it is to be hoped that his letter reached the meridian where it was most likely to serve the cause of humanity, by convincing the planters that it would conduce as much to their interest, as to the happiness of their slaves, if they were to adopt the system marked out for them, and so successfully practised, by the gentleman of whom I have been speaking.

ground.

ground. But these emancipated husbandmen find dwellings at their own expence, purchase implements for their own use, and, sowing the fields with the savings of their last year's harvest, bless and enrich their benefactor. This example, which it would have been so glorious and so beneficial to follow, has been imitated by very few of the Polish lords.

Prince Stanislaw, nephew to the present king, is one of those few: and, after having given freedom to the inhabitants of four villages near Warsaw, he made every possible effort for extending the noble gift of liberty to all the other lordships: but a blind self-interest has hitherto resisted his noble system of benevolence and humanity.

After having taken a view of the miserable husbandmen of Poland, how is the minds of Frenchmen gratified by turning their regards on those who inhabit their own plains, and reflecting that they participate with them those rights, on which France is forming the basis of immense credit. In Poland we behold slaves: in France freemen. Alas! why has this delightful idea been clouded over by the excesses of licentiousness? If the lords have been unjust, is that a reason why their vassals should become furious? If the former have acquired too much, ought the latter to tear from them every thing they possess? When justice, even beyond their  
hopes,

hopes, was granted to the people of France, why did they, instead of receiving the favour with the acknowledgements of men relieved from misery, impoison it by transports of vengeance. In pushing the love of equality even to madness, they have cast an eye of envy on those towers which rise above their thatched roofs; and have sought to reduce them to the level of their cabins. Instead of confining themselves to the defence of their own property, they have attacked that of other men: and they who have complained of being oppressed, are become the most cruel oppressors. It was with torches in their hands that they demanded the abolition of those titles, which have been annihilated without mischief by one single decree.

As for us inhabitants of the cities, have we shewn ourselves more equitable? We who revolted against acts of arbitrary power, have we not committed still greater iniquity? Instead of tranquilly enjoying the sweets of liberty at home, we have sought to extend it, at one throw, round both the hemispheres! Have we calculated what our manufacturers, what our maritime cities would lose, if all at once our colonies should separate from the mother country, either by rendering themselves independent, or by the too precipitate emancipation of their slaves? Have we compared the nature of the productions  
of

of our islands, and the kind of labour they require, with the fruits of our own soil, and the manner of cultivating them?

He who breathes these complaints against the violence of his fellow citizens, is a lover of all mankind, whatever may be their features or complexion; and wherever he sees injustice or cruelty, his heart swells with indignation: but he fears those who know not how, except by destroying, to reform\*.

In

\* This philippic from the pen of M. de la Croix, who was one of the most zealous promoters of a reform in the abuses which had been introduced into the French government, and the usurpations which had been made on the French constitution, must give the fullest confirmation, if any was required, to the testimony of the Abbé Raynal and M. Neckar, (not to mention that of many others, who had from the first disapproved, because they were aware of the consequences of this outrageous project of reformation), respecting the horrid excesses committed by the partizans of that strange mixture of anarchy and tyranny which is now seen existing in France under the specious name of *democracy*, though it has no one feature of a legitimate form of government to entitle it to the appellation.

The question on which the two parties now existing in France, will be at issue before posterity is, whether the violent measures pursued by the revolutionists were, or were not, necessary for obtaining a restoration of their rights? If they were necessary, the leaders of the people of France are free from blame in having thrown the whole kingdom into a state of both civil and military license, disorder, and anarchy, as those evils were inevitably connected with the recovery of their rights. But was there, could there be, such a necessity, "when (to use the words

In countries, such as Poland, where franchise-  
ment is not attended with danger, I would have li-  
berty

“ of M. de la Croix) justice was granted them beyond their  
“ hopes?” When a King who has been repeatedly called by  
themselves *the first friend of his people*; to whom they have given  
the surname of *Restorer of French Liberty*, had come voluntarily for-  
ward to offer a free constitution; and had submitted to the confi-  
deration of the assembled representatives of the people, convened  
by him, for the express purpose of consulting with him on the  
means of providing effectual redress for the grievances of his sub-  
jects, the rudiments of reforms, which a candid observer will find  
to contain, at least, all the good, without any of the evils which  
have attended their rejection?

If liberty had been the object of these leaders, why did they  
spurn it when generously offered by their monarch? Why did “ the  
“ people of France (to use the words of the late M. de Mirabeau)  
“ disdain to accept freedom as the gift of a King,” when that  
King had extended his plan to a complete renovation of their  
constitution, and the establishment of liberty on a rational and perma-  
nent basis? But, no—“ instead of receiving it with the acknow-  
“ ledgments of men, relieved from misery, they imposed it with  
“ transports of vengeance.” “ It was with torches in their hands  
“ that they demanded the abolition of those titles (to exclusive  
“ privileges, exemptions, &c.) which were annihilated without mis-  
“ chief by a single decree,” and the abolition of all the oppressive  
parts of which had been already proposed by the King in the 13th  
article of his declaration. But to seize upon, “ to tear every  
“ thing away,” was their determination; and as the Chevalier  
Bintinaye observes, in his manly and spirited declaration, “ hav-  
“ ing only evil for their end, they saw in the condescension of grant-  
“ ing all which they demanded, nothing but an advantage to be  
“ seized, and a reason for redoubling their violence.”

The

erty bestowed without reserve : I would have the lords retain their vassals on their estates by kindness

The consequences produced by this mad rage for innovation ; this project of *destroying* in order to *reform*, are described with equal feeling and truth by the Abbé Raynal in his letter to the National Assembly, where he exclaims with the lively sorrow of *an old friend to freedom*, who saw all his hopes, all his expectations ruined by a frantic spirit of licentiousness, “ What do I behold around me ? “ Religious troubles ; civil dissensions : the contention of some ; “ the audacity and rage of others : a government enslaved by “ popular tyranny : the sanctuary of the laws surrounded by un- “ ruly men, who alternately dictate to, or brave them : soldiers “ without discipline : chiefs without authority : ministers without “ means : a king, the first friend of his people, plunged into “ affliction ; outraged, menaced, despoiled of all authority ; and “ the public power existing no more but in clubs, where ignorant “ or gross men dare to pronounce on all political questions.”

The state papers which are referred to by M. de la Croix, when he says *justice was granted them beyond their hopes* ; and by M. de la Bintonaye, when he speaks of *more being granted them than they demanded*, are the two declarations read by the king's command, and in his presence, to the general assembly of the three orders of the states on the 23d of June 1789.

The first of these was arranged with much wisdom and equity ; and had for its object the terminating of those dissensions which the third estate had artfully, factiously, and treacherously raised against the constitution and practice of the states general, for the purpose of extinguishing all the political power of the two higher orders ; that their conspiracy for the total abolition of these orders, *whose towers they saw with envy rise above their thatched roofs, and sought to reduce to the level of their cabins*, might be the more easily carried into effect.



ness only; and require from them moderate redemptions: this was the case in America, where the colonist

The second is a declaration of the king's voluntary intentions of reformation in all the different departments of government; proclaimed to the nation in so public a manner, as to make his majesty stand pledged to the performance of every article.

That my readers may be able to judge whether the redress offered, in this solemn avowal of the king's intentions, was not sufficiently full, sufficiently extensive, to have satisfied all men, except those who *knew not how to reform but by destroying*, I shall subjoin some of the most important articles, faithfully translated from the Declaration, as it stands recorded in the *Procès Verbal* of the 23d of June 1789.

1. " No new impost shall be established, no old one shall be prolonged, beyond the term fixed by the laws, without the consent of the representatives of the nation.

2. " The new imposts, which may be established, or the old ones which may be prolonged, shall only be so for the time which shall intervene before the next meeting of the States General.

3. " As loans may become the occasion of a necessary increase of taxes, no loan shall take place without the consent of the States General; with this proviso however, that always in case of war, or of any other national danger, the sovereign shall have a power of borrowing, without delay, any sum not exceeding one hundred millions; about four millions; for it is the express intention of the king, never to let the salvation of his empire depend on any person.

4. " The States General shall carefully examine the state of the finances, and shall demand all the statements necessary to a perfect knowledge of them.

5. " An account of the revenue and expenditure shall be published every year, in some manner proposed by the States General, and approved of by his Majesty.

5. " The

colonist began by softening slavery; and where liberty was not considered as a right but a reward.

I would

6. " The sums appropriated to each department shall be fixed invariably; and the king submits to this general rule even the sums defined for maintaining his household.

7. " It is the King's will, that in order to assure this fixed state of the divers expences of the state, the arrangements proper for that end, shall be pointed out to him by the States General: and his Majesty will adopt them, if they accord with the royal dignity; and the indispensable celerity of the public service.

8. " The representatives of a nation, faithful to the laws of honour and probity, will do no injury to the public faith; and the King expects from them, that the confidence of the creditors of the state shall be assured and consolidated in the most authentic manner.

9. " When the firm intentions, announced by the clergy and nobility, of renouncing their pecuniary privileges, shall have been realized by their votes, it is the king's intention to give them his sanction; and that there shall no longer exist, in the payment of pecuniary contributions, any privilege or distinction whatever.

10. " It is the king's will, in order to consecrate so important an intention, that the name of *taille* be abolished throughout the kingdom; and that that impost, whether it be consolidated with the twentieths, or with some other territorial imposition, or that be replaced by some other tax, shall always be assessed in a just and equal proportion; and without any distinction of condition, rank, or birth.

11. " It is the king's will, that the duty of *franc-fief* be abolished from the moment in which the established income and fixed expenditure shall be exactly balanced.

I would not encourage, by premiums, the negro trade ; but I would tolerate it until all the powers should

12. " All property, without exception, shall be constantly respected ; and his Majesty includes expressly under that name, the property of *tenth, hundredths, rents, rights, and feudal* and *signorial duties* : and in general, all the rights and prerogatives, useful or honorary, attached to lands and fiefs, or pertaining to men."

This article may possibly be objected to by those, who, mistaking the abuses which time had introduced and sanctioned in the French government, for evils existing in the French constitution ; suppose that the King could of himself have given relief to his subjects in the oppressions which they suffered under the feudal system ; and that it was contradicting his own promises of redressing their wrongs to insist thus strongly on their compliance with every thing required by the feudal laws,

The fact is, that the King of France, as executor of the law, was bound to protect all property : the rights, duties, &c. specified in the above article, were as much the property of those to whom they pertained, as any other part of their possessions, and equally under the safeguard of the law : and the King cannot, according to the constitution of France, which he proposed to renovate and purify from all abuses and usurpations, forbear to provide, by every precaution in his power, for the protection of what was indispensable legal property, because held under existing laws. It was the business of legislature, which by the French constitution consisted, as in England, of the King and the representatives of the nation, to repeal the laws by which these rights were held, if they were become oppressive to the people : and we accordingly find the King in the ninth article, announcing his determination of sanctioning the renunciations intended by the clergy and nobles, as soon as their intentions should be realized by the votes of their representatives ;

should humanely agree to change the present method of forcing from their country the natives of Africa,

representatives; and this was all the King could do as one member of the legislative power. The rights enjoyed by the crown, under the old feudal establishment, and which pertained to him, he either wholly relinquishes, or directs the legislative body to consider on the means of converting them into some pecuniary contribution, to which all ranks shall be equally subject.

13. " The two first orders of the state shall continue to enjoy an exemption from personal service; but the States General would have the King's approbation in considering the means to convert this sort of service into pecuniary contributions; to which all the orders of the state should be equally subject.

14. " The intention of his Majesty is, to determine with the advice of the States General, what shall be the employments and commissions which shall in future retain the privilege of giving or of transmitting nobility. His Majesty will, nevertheless, according to the right inherent in the crown, grant letters of nobility to those of his subjects, who by services rendered to the king and to the state, shall have shewn themselves worthy of that reward.

15. " The king desirous of assuring personal liberty to all the citizens in a solid and permanent manner, invites the States General to search out and propose to him the most convenient means of reconciling the abolition of the orders, known by the name of *Lettres de Cachet*, with the maintainance of the public safety, and with the precaution necessary either for preserving, in certain cases, the honour of families; for repressing, with celerity, the commencement of seditions; or for securing the state from the effects of a criminal intelligence held with foreign powers.

Africa, whom they have purchased like any other commodity, into the simply engaging their services during a stipulated period,

We

16. " The States General shall examine, and make known to his Majesty, the most convenient means of conciliating the liberty of  
" of the press with the respect due to religion, morality, and the  
" honour of citizens.

24. " The king invites the States General to consider of some  
" proper means for managing, in the most advantageous manner,  
" the domains in his hands; and to propose to him what they judge  
" most convenient to do, relative to the mortgaged domains.

25. " The States General shall consider the design conceived  
" long since by his Majesty, of removing the custom houses to the  
" frontiers of his kingdom, that the most perfect liberty may  
" prevail in the internal circulation of national and foreign mer-  
" chandise.

26. " His Majesty desires that the vexatious effects of the duty  
" on salt, and likewise the importance of the revenue arising from  
" it may be carefully discussed by the States General; and that, in  
" all the schemes they may suggest, the means of softening, at least,  
" the mode of collecting that tax may be proposed.

27. " It is also his Majesty's will, that they shall examine at-  
" tentively the *rights of aids* and other imposts; but without  
" losing sight of the absolute necessity of insuring an exact equi-  
" librium between the revenue and expenditure of the state.

28. " Agreeable to the wish manifested by the king, in his de-  
" claration of the 23d of September last, his Majesty will examine,  
" with serious attention, the plans which shall be presented to him,  
" relative to the administration of justice, and the means of bring-  
" ing to perfection the civil and criminal laws.

29. " The King's will is, that the laws which be promulgated  
" during the holding, and by the advice, or according to the vote  
" of

We hire, from the Swifs, and from the Princes of Germany, soldiers to cut the throats of men: why

not  
 “ of the States General shall meet with, neither in the enregister-  
 “ ing of them, nor in the execution, any delay, or any obstacle  
 “ throughout the whole extent of his kingdom.

30. “ It is his Majesty’s will, that the use of the *corvée*, for im-  
 “ proving and keeping up the roads, be entirely and forever abo-  
 “ lished throughout his kingdom.

31. “ The king desires that the abolition of the right of *mortmain*,  
 “ of which his Majesty has given an example in his domains, shall be  
 “ extended through all the kingdom; and that there be proposed  
 “ some means of providing such indemnity as may be due to the  
 “ lords in possession of that right.

32. “ His Majesty will make known, without delay, to the States  
 “ General, the regulations he is devising, for restraining the *capitai-*  
 “ *neries*; giving, in this particular, which so nearly affects his per-  
 “ sonal enjoyments, a new proof of his affection for his people.”

The remainder of the thirty-five articles which constitute this declaration, relate to the establishment of provincial assemblies and other local matters; and none of them are in the least degree hostile to liberty. I omit them as uninteresting to an English reader.

The whole of this declaration will be found in the first volume of the *Procés Verbal* of the National Assembly, published by their order, and under their inspection; and there also will be seen the other declaration, read at the same time; the object of which was, preventing, in future, the dissensions in the assembly about the verification of powers, or trying of contested elections: the third order insisting that they should be tried before the general assembly of the three orders: the two other orders contending that each order should respectively try the elections of the members who were to represent its own body; as is the case in England, where the contests between the candidates for representing the Scotch peers  
 come

not hire labourers on the coast of Guinea, under a promise of returning them free into their country after a servitude of ten years, unless they should prefer continuing under the eyes of their late masters? The same power, which could sell them for ever, could bind them to us for a limited term. These labourers, returning home to their families, would bear to them those ornaments with which they are so fond of adorning themselves: they would convince their countrymen, that the white people are not *antropophages*: and that if they employed the blacks, they paid them for their services. Upon seeing the savings made by these emigrants, thousands of negroes would burn to enrich themselves in the same manner, and to be enrolled in the same service.

Whenever a European ship appeared, multitudes of Africans would croud to the shore, and embark with their free will: and the masters of these vessels would no longer find it necessary to shackle them with irons during a long voyage, for fear of having the men sacrificed to their fury. We should then see no more, great God! how shall I come before the House of Lords; and those for representing the commons are tried in the House of Commons.

It is worthy of remark, that these two declarations have never, as I believe, appeared in English; though more than one of our periodical publications have favoured us with every thing else which came that day before the Assembly; not excepting the King's speeches, which referred so particularly to these very important state papers.

speak

Speak it? we shall see no more an improvident captain, after having made of his ship a horrible prison, a sink of filthiness, if surprized at once by a calm, calculating that he has not sufficient provision to conduct his freight to the port for which his tyranny intended them; and, resolved on what is called *the sacrifice*, causing that part of them, which he cannot feed, to be precipitated into the ocean.

In consequence of this mode of obtaining negroes, the colonies would have no insurrections to fear; because the rebellious negroes would be sent home, and exchanged for others more docile: and the dread of being borne back to their own shores, destitute of every thing, would attach them to labour. The nation, from which foreign labourers experienced the best treatment, would be preferred: its flag would be expected with impatience: and a happy alliance would be formed between the four quarters of the universe, instead of the most shocking traffic.

This is, I believe, the wish of enlightened humanity: it is reconcilable with the prosperity of our colonies; the interest of our maritime towns; and would effectually alleviate slavery: and yet the man, who has ventured to publish this wish, has drawn reproach upon himself: so true it is, that intollrance is found in all sects, in all parties; even in that which professes to have the greatest love for mankind.



## C H A P. IX.

OF POLAND; OF THE JEWS; AND OF THE POLISH CONSTITUTION; BY JOHN JAMES ROUSSEAU.

**S**INCE the last partition of Poland, by which the kingdom was deprived of near five millions of inhabitants, its population is estimated at nine millions, among which there are six hundred thousand Jews, from whom arises a considerable branch of the revenue, as they and their children are subject to a capitation or poll-tax.

This people, so long despised, but who have always found means to make reprisals on the nations which admitted them for the contempt they received, enjoy in Poland many privileges which are refused to them in Germany. Lengnich, who has written several much-esteemed tracts concerning Poland, says, in speaking of the Jews, “ The Jews monopolize every branch of the commerce of the kingdom. They keep the inns ; they are *maîtres d’ hotel* to the grandees ; and they have acquired such credit, that nothing is bought or sold but through the means of a Jew.”

Sobieski

Sobieski placed such confidence in them, that the nobles caused, after his death, a law to be inserted in the *pacta conventa*, by which they interdicted Augustus, his successor, the right of farming out the revenues of the crown to a Jew.

Though these people have no right to establish themselves but at Casimir and Posenia, and that they are only permitted to reside in the other cities during the fairs and dietines, yet they and their children know so well how to manage on the occasion, that they sojourn wherever their interest calls them; and without paying a capitation proportioned to their number.

They possess over the Polanders that ascendancy which gold and industry acquire with people who are ignorant of the means of enriching themselves; and who are not willing to labour, which is the true source of wealth.

The Jew is not a husbandman, but he possesses a productive estate in the occasions of others. After lending to the farmer, to the land-owner, he begins by collecting the fruits of the ground; and he frequently finishes by swallowing up the ground itself. The privileges which France has granted to them, will perhaps exalt their thoughts and purify their industry.

One great source of the riches of the Jews lies in their frugality and œconomy. Hitherto they have considered money as the only property which was  
valuable

valuable to them, and they have endeavoured to improve that property to the utmost of their power. Now that they are permitted to convert their gold into houses and lands, and have acquired a civil existence, we must hope that they will shew themselves worthy of the benefits conferred upon them: that they will be no longer to a state like those deformed excrescences, which suck up the nourishing juices of the tree, and accelerate the decay of the body which sustains them.

The almost eternal existence of the Jews, and their dispersion over the whole face of the earth, has been regarded by many as a prodigy: but it would much more astonish me, if they were annihilated or even confined to one point of the universe: The Jews are by their laws obliged to marry: even the rabbi is not exempt from this obligation, in which the sweet and the bitter are mingled: they cannot contract matrimonial alliances with persons of any sect but their own: and wherever they have been established, intolerance and wickedness have persecuted them. They have therefore been obliged to fly from country to country, and to disperse themselves all over the earth: and they have, on their part, an equal contempt for all other religions. Thus, wherever they have hoped to meet with toleration and gain, their interest has conducted them.

As

As barrenness is with them a cause of divorce, this unhappy family of human nature has always increased more on that account: and, in short, every thing has favoured its multiplying, and nothing has opposed it.

All other nations have been when conquered, dissolved, if I may so express it, into the mass of their conquerors. They have taken their names; they have adopted their manners; and have seemed to disappear from the face of the earth. The Jews, on the contrary, preferring torments, infamy, flight, to the shame of uniting with their persecutors, have always supported themselves in their original state by their constancy and their wealth.

It results from these truths, that, so far from being lost and annihilated in any state where they are admitted, the Jews must increase in a greater proportion than other nations. The perpetuity and dispersion of the Jews are therefore not to be considered as miraculous, but as the natural effects of moral and political laws.

Since toleration alone was sufficient to raise the number of Jews in Poland to a ninth part of the inhabitants of the kingdom, it is probable that their number might have equalled the number of the Poles in the space of three centuries, if they had been permitted to farm all the revenues of the crown; and if no tax had been fixed on their children. This tax is unjust and even immoral: for a  
new-

new-born infant is so far from being a productive property, that it must be for a long time, burdensome to those who rear it : and surely it is not necessary, when an asylum is afforded to a wandering or fugitive people, to violate, with respect to them, the laws of justice ; and to poison a father's joy, by an additional impost.

I have dwelt longer upon this subject, because of its being connected with the constitution of Poland ; and because it ought to be more thoroughly investigated before it makes a part of the new constitution of France.

The alterations hitherto adopted by the diet have not, by any means, corrected all the abuses in the Polish constitution. The inhabitants of the cities have not obtained the justice they demanded : the situation of the peasants remains the same : but the absolute *veto* has been restrained to some constitutional points of the state ; and is weakened with respect to the administration. The following regulation has been made with respect to it, in the fourth article of the constitution, which has been adopted, and is become a law of the state.

“ The will of the nation, in the exercise of the  
 “ legislative power, shall be hereafter manifested,  
 “ by the uniformity or the majority of instructions.  
 “ *Unanimity shall be required for all the cardinal laws :*  
 “ *three fourths for political laws ; and two thirds for*  
*imposts ;*

“ *imposts*; and a simple majority for civil and criminal laws.”

This scale of suffrages agrees with the plan of reform pointed out by Rousseau. Perhaps the diet may in time successively adopt the other ideas of that philosophical legislator: they may perceive, as a modern writer has observed, “ that there  
“ exists in the constitution of Poland no counter-  
“ poise: that the diet is an absolute sovereign, the  
“ activity of which no power can either balance or  
“ temper: that it is at once legislator, elector, ad-  
“ ministrator, and executive power by the commis-  
“ sions emanating from it; and in fine the ju-  
“ diciary body.

“ That in excluding the burgesses of the royal cities, and the free peasants, not only from the right of sending deputies to the diets, but from that of concurring in the electoral assemblies, natural justice is wounded; and prudence and public interest offended at once.”

I have shewn what Poland is at present; let us see what she may one day become, by supposing her willing to adopt the new form of government traced out for her by Rousseau, at the request of Count Wielhorski: for this republic has not yet been forced to bend under the yoke of the three powers who have so dearly sold to her the semblance of liberty.

The task I have undertaken is an arduous one; and the difficulty of performing it strikes me sensibly. How shall I venture to place my ideas in the same point of view with those of a writer who seduces when he cannot persuade: who, when reason resists him, attacks and hurries away the heart: whose illusions, full of grace and sensibility, seem preferable to the realities of other men; and who never appears more animated, than when he declares his genius to be extinguished and frozen under a weight of years.

It is not here, it is in Poland, it is in the midst of a diet that we should form our opinion of Rousseau, by observing the power of his eloquence over a people, proud, generous, filled with the idea of their former glory; and who resemble a fiery courser struggling in the harness which his noble efforts cannot break.

“ Poland, (exclaims the citizen of Geneva), that  
 “ ravaged, that depopulated, that oppressed coun-  
 “ try! open to all her foes, and in the midst of mis-  
 “ fortunes and anarchy, still displays all the fire of  
 “ youth; and dares to demand a government and  
 “ laws, as if she had but just sprung into existence!  
 “ Poland, though in chains, is consulting how she  
 “ may preserve her liberty; for she perceives with-  
 “ in herself that force which all the rage of tyran-  
 “ ny cannot subdue. Methinks it is Rome her-  
 “ self that I hold! besieged, and yet calmly go-  
 “ verning

“verning the plains on which the enemy has fixed  
“his encampment.”

This prelude shews how well Rousseau understood the art of dignifying his subject, to keep pace with the elevation of his ideas and the brilliancy of his genius. A simple palatine consults him on the means of recovering his country; and all at once Rousseau paints the whole Polish nation addressing him, and demanding a constitution and laws. Sensible to such homage, he carries that people, and praises them for their misfortunes and their courage: he places before their view a beautiful image of Rome, calm before the enemy, and regarding herself always as mistress of those domains on which he had dared to fix his camp: and it is to this triumphant republic that he compares the republic of Poland, which has not only seen the enemy encamp under its eyes, in its provinces, but fix their dominion there!

“Brave Polanders!” continues he, always believing them attending to his discourse, “take care that you seek not too much: that, in thinking of what you hope to acquire, you forget not what you may lose. Correct, if you can, the abuses of your constitution, but despise not that which has made you what you are.”

Happy delirium! thou art the inspirer of eloquence! how greatly must the Polanders be



indebted to their constitution, if it is that which has made them what they are !

“ It is in the bosom of anarchy, which you abhor, (continues this admirable enchanter) that those patriotic spirits were formed which have guarded you from the yoke. They lay slumbering in lethargic repose, until the tempest roused them : after having broken the chains which were destined for them, they may feel the fatigue of their labour ; they may endeavour to ally the peace of despotism with the delights of liberty ; and thus, I fear, desire to unite contradictions. Repose and liberty appear to me incompatible : we must chuse one of them.”

I have shewn what was the origin of that anarchy, of that confederacy, which roused these patriotic spirits. The dissenters, desirous of being admitted to the diets, called in the Russians to their aid : the catholic confederates united with the dissenters and the Russians : a civil war ensued, and extended its ravages over Poland. Where then has been the happy consequence of this *rousing* ?

Is it a fact, oh Rousseau ! that repose and liberty are incompatible ? Have they never mutually existed in any of the Swiss cantons ?

In the course of this flight of enthusiastic republicanism there appears one great truth ; it is this : “ There never can be a good and solid constitution but where the law reigns in men’s hearts :  
whilst

“ whilst the legislative power extends not there, the laws will be always eluded.”

Rousseau acknowledges the difficulty of moving the hearts of mankind, and of attaching them to their country and their laws : justice appears to him insufficient ; because “ justice is, like health, a good which we enjoy without perceiving it.” What then does he depend on for accomplishing an end so truly desirable ? He scarcely dares to declare it “ the sports of children : the institutions which appear trivial to superficial men, but which form our dearest habits ; our invisible attachments.” This is the idea of a very refined mind : but neither Poland, nor the age in which it was expressed, were worthy of receiving it. Such a suggestion might be of service to a new people : it is to them alone that those patriotic fêtes, and national institutions, which remain long impressed upon the memory, should be proposed : among such, the citizens who are all brothers ; the men who become all children, enter with transport into these amiable sports under the observation of their country ; which, like a tender mother, seems to take part in their pleasures.

But, in a country where the noble despises the citizen ; where the peasant dares not behold the face of his master ; where misery and riches mark the two classes of individuals, and place them at such an immense distance, how shall we hope to see

those cheerful familiarities; those touching effusions; those happy interminglings which make a whole country but one city, and all the inhabitants but one family? Alas! how unfortunate, to have Truth herself stand in opposition to these sweet day-dreams.

Rouffeau advises the Polanders to give eclat to all the patriotic virtues by honours, by public rewards: to institute a solemn festival, in which should be made the eulogy of those who had the honour of suffering for their country in the chains of her enemies: but he dissuades them from permitting, in these periodical solemnities, any invectives against the Russians. "You ought (says he to the Polanders) to despise them too much to hate them."

He applauds them for having preserved a peculiar dress. "Do you exactly the contrary of what the Czar boasted of having done: and let neither the king nor the senators wear any other garments than those of the nation."

This principle, which appears a simple one, abounds with wisdom. I have never observed, without concern, the French nation adopting the fashions of a people who, after having furnished them with models, induced them to buy the materials for making them. The pretended citizen who gloried in being dressed *a l' Angloise* (as an Englishman) was but a bad Frenchman, who ruined the manufactures of his country; who enriched the foreigner; and who pre-

prepared the emigration of those manufacturers who were driven by want into another kingdom, where their industry was called for in the manufacturing of what was afterwards to draw away the money of the country they had quitted.

Let the dress of the English be sombrous and uniform as their thoughts: but let the French rather adopt a national habit, which characterizes grace and amiableness; and let that habit owe nothing to the labour of the foreign artizan: thus shall the French continue to excel all other nations in their taste, as they have done in their knowledge. If the Englishman, who goes to Paris, can fancy himself still in London, it would be better for him to have remained at home, where he had other ties to hold him. In a word, I would rather see a free and lively originality, than a servile and dull imitation.

Rousseau was willing to have the Polanders amuse themselves even more than the people of other countries, but it must be in a different manner. "I would (says he) reverse an execrable proverb, and have the people of Poland say from the bottom of their hearts, *ubi patria, ibi bene, where our country is, there is our happiness.*" What a pity that the man who was so sensible that in our country only we can be happy, should never find happiness in his own! Was it the fault of Rousseau, or of Geneva, that he did not? It was the fault of Rousseau, if he abandoned his republic, if he

quitted his paternal cottage, that he might wander as his passions directed him : and if he preferred the independence of indigence ; the uncertainty of his occupations ; to a submission to labour ; and the regularity of a sedentary life. But it was the fault of Geneva, if, after having derived from this single citizen more celebrity, more glory than she gained from all her ministers, all the members of her council, she opened not her bosom to him : and if, instead of offering him an honourable asylum from persecution, she had the baseness to unite with his persecutors. But, after all, his faults have a claim to indulgence ; for, if Rousseau had neither loved nor inhabited any country but his own, he would never probably have entered the lyceum with the air of a vigorous gladiator against the defenders of our institutions : he would not have been inspired with those sentiments which gave birth to the *New Eloise* : the author of *Emelius* had never imagined *Sophia*, and the *Savoyard Vicar* had remained mute upon his native mountains.

If, after the iniquitous *arret* which condemned to the flames a work dedicated to Nature, Geneva had crowned with flowers the writer to whom she had given birth ; if she had changed her resentment into continual homage, his indignant mind had not overturned with the lever of genius all the constitutions of Europe, and made known to associated

ciated men the ascendancy of the general will over the power of an individual.

The author of the Letter on the Spectacles of France prescribes to the Polanders those of a very different kind :

“ Let the great and the rich enjoy nothing exclusively : let there be many spectacles in the open air, where the ranks are carefully distinguished, but where the people are all equally admitted, as with the ancients ; and where, on certain occasions, the young nobility may make trial of their address and strength. The circuses, where the youths of Poland were wont heretofore to exercise themselves, should be carefully re-established ; and theatres of honour and emulation should be made for them : the management of horses is, for instance, very proper for the Polanders ; and very susceptible of the eclat of a spectacle.”

Nothing can be more wise than these precepts ; nothing more true than these ideas. How much more is the mind affected by grand spectacles displayed in the glory of a fine day, than by those which are represented in obscure halls, which receive no light but that from their lustres ! I still remember the pleasure I experienced at seeing a young horseman manage, to the sound of martial music, two horses which ran under his feet. The gracefulness of his movements ; the elegance and  
light-

“ The same parliament (continues Rousseau) ex-  
 “ its in being, that the court, which would be ex-  
 “ tinguish’d by purchasing the members every year,  
 “ expects account in having them for seven; and  
 “ is not disappointed.”

Can it be said that the members of the parlia-  
 ment in England are sold to the court, and that  
 the minister may depend for seven years on the  
 suffrages he has bought? Or is this one of those ex-  
 aggerations so common with Rousseau?

This writer ranks, among the number of causes  
 which have preserved the legislative power in Po-  
 land, the frequent passage of the executive power  
 into new hands. “ Each king (says he) makes  
 “ some strides towards arbitrary power; but at the  
 “ next election, his successor is forced to take a re-  
 “ trograde course, instead of pursuing the same  
 “ path: thus each king, at the commencement of  
 “ his reign, is obliged by a *pacta conventa*, to set  
 “ out from the same point; so that in spite of their  
 “ habitual inclination, they make no real progress  
 “ towards despotism.”

After this remark, Rousseau does not conceal the  
 inconveniencies of having the executive power de-  
 vided among many individuals; since it must, in  
 consequence, be deficient in that harmony which  
 ought to subsist through all its parts. Such a divi-  
 sion, according to him, “ causes a continual en-  
 “ deavour to monopolize authority, which is in-  
 “ compatible.

away by Rousseau, and may be reproached with partaking his delirium.

The legislator of Poland regards national education as one of the most important points : “ An infant (says he) should, upon opening his eyes, behold his country ; and, to the moment of his death, he should see nothing but his country. At the age of twenty years a Polander ought to be nothing but a Polander : I would have him in learning to read learn from books which give an account of his country : at ten years old he should know all its productions : at twelve, all the provinces, all the roads, all the cities : at fifteen he should be master of its history : at sixteen, of its laws : and there should not have been, from the earliest ages of Poland, one glorious action, nor one illustrious person, with which his memory and his heart should not be full ; and of which he should not be able instantly to give an account.”

It must be allowed that such an education would be very superior to that which is given at so much expence to the young people of France ; who learn every thing except what they ought to know. They are acquainted with all the fables of ancient history, and ignorant of all the truths of their own. If you speak to them of Cyrus or Xerxes, they will repeat to you their words ; they will recite their actions ; they will shew you the routes which they pursued.



authority, Rousseau advises the Polanders to arm with all the executive force, a respectable and permanent body, such as the senate, capable of confining within the bounds of duty, by its solidity and by its authority, those grandees who are endeavouring to deviate from it. While he proposes this means, he acknowledges the danger with which it is attended; and that all bodies invested with the executive power, incline strongly to subjugate the legislative power, which they sooner or later accomplish.

The result of these opinions laid down by Rousseau is, that, “for a nation to preserve its sovereignty as long as possible, it should be frequently, if not permanently represented: but not long by the same representatives.

“That the constitution once established, it should give to its deputies instructions well detailed, well accounted for: and that it should confide the executive power in hands which are not in a state to crush down the legislative power.”

But it is not enough to give wise councils: the means of pursuing them must be pointed out. How can the assemblies in which elections are made, be prevented becoming the central point of intrigue? If you allow every single member of the legislative body to enjoy the right of a *veto*, the executive power need only to corrupt one of the members to  
 strike

spirits, the commotions excited by the passions, acting upon this general mass will be like the waves rolling against a rock, which purify without overturning it.

The chapter, in which Rousseau displays all the force of his talents, is that on the division of the orders. "I have observed (says he) that governments are scarcely ever spoken of, without being described in a false or ambiguous manner. The republic of Poland is frequently said to be composed of three orders: the equestrian order; the senate; and the king. I should rather say, that the Polish nation is composed of three orders: the nobles, who are every thing; the burgeses, who are nothing; and the peasants, who are less than nothing."

After having shewn that, according to the existing constitution, the nuncios, who represent the whole body of nobles, have alone the right of making laws, he adds, "but the law of nature; that holy imprescriptable law, which speaks in the heart of man, and addresses his reason, will not permit them thus to confine the legislative authority; nor allow the laws to bind any person who has not personally voted for them, as the nuncios have done; or who has not at least voted by their representatives, as is the case with the nobles. This sacred law of nature is not to be violated with impunity: and the state of weakness, in which this great nation finds itself reduced, is

" the

“ would become an excellent body of militia, more  
“ than sufficient for the defence of the state.”

What a difference is there between such a militia and mercenary troops who are enlisted by force or by art : who are dragged on in spite of them, to meet the enemy, in order to defend a state, in which they are strangers ; and to which they are not attached by any generous sentiment : while an army of citizens, enflamed by honour, by the love of their country, rush boldly forward to oppose all invaders who dare to violate their territories, or make any attack on their liberty or their laws. The reward they seek is the acknowledgments due from all the members of the state, whose property they have protected : if they are wounded, they find succour from their fellow citizens, in whose defence they have bled : if they die, their widows, their orphans, are adopted by their country, which becomes to them a spouse, a father.

If a state is desirous of having good soldiers, whom neither hardships nor inticements can induce to desert their standard, let patriotism be made the only motive of their enrolment : let it be considered as a shame for any citizen not to have his name appear upon the muster-roll of some corps : let them murmur, and think themselves ill-treated, if their services are refused : and let their dismissal be regarded as a punishment more severe than imprisonment. Then will even the man who has but one  
arm

“ our will consulted in denying to those who placed  
“ not a blind confidence in the court of Rome,  
“ the rights of men, or even sepulture? Was  
“ it by our consent that a privileged person could  
“ summon us from a remote part of our pro-  
“ vincet, to appear before his private tribunal; and  
“ exhaust our means by the expence of the jour-  
“ ney and of waiting his pleasure, before he per-  
“ mitted us to demand justice? Was our concur-  
“ rence required for creating that multitude of ap-  
“ pointments, which gave to those who obtained  
“ them the right of casting upon us the burden of  
“ the land-tax, from which they were thus set free:  
“ and of regarding themselves at once as beings of  
“ a superior order?

“ If these unjust and extravagant laws are ren-  
“ dered null, by the want of general consent, are  
“ not all the decisions, all the regulations, made in  
“ consequence of them, a mere collection of ini-  
“ quities?”

But I will stop here, and return to Rousseau,  
who has more right than I have to attention.

“ I perceive (says he to the Polanders) the diffi-  
“ culty of enfranchizing your people. I am afraid,  
“ not only of the false ideas of their own interest;  
“ the self-love, and the prejudices of the masters;  
“ but, these obstacles overcome, I should fear the  
“ vices and baseness of the serfs. Liberty (con-  
“ tinues Rousseau) is a wholesome aliment, but

“ to be the best. These ennobled towns might,  
 “ like the imperial cities, send nuncios to the diet;  
 “ and their example would not fail to excite in all  
 “ the other towns a lively desire of obtaining the  
 “ same honour.”

The wise gradation of these ideas, which are all supported by examples and reason, is well worthy of regard. There is nothing chimerical in this noble plan; all is true; all is well considered.

This project of ennobling entire towns, is an excellent one for Poland, where the nobles domineer over every thing: but it would be of very little consequence in France, where a noble can attract no glory but by his virtues. I know not which would appear most absurd in the opinion of reason, to say to a man, but newly released from being a bondman or vassal, *because thou hast had money to lend to the state, all who spring from thee, or from thy descendants, shall be noble; and the more thy posterity shall extend in future, the more they shall acquire the right of believing themselves superior to the other classes, even though they may have nothing but their vices to plead against the virtues of those who are not ennobled; or whether it would not be equally irrational, to grant to a town nobility for all its inhabitants without distinction, as was done by some of the kings of France, more magnificent than wise in conferring their favours.*

Far be from the French nation all these false and  
 incon-

ever class it was displayed ! But forgive, forgive Rousseau for not expecting from you such an astonishing revolution in your manners and in your thoughts !

“ To enfranchise (continues he) the people of Poland, would be a grand and an admirable operation ; but it is also a bold and perilous one, which ought not to be attempted inconsiderately. Among the precautions which must be previously taken, there is one which cannot be dispensed with, and which requires time : the peasants who are to be freed, must first be rendered worthy of, and able to support freedom.”

The means which he advises for attaining this important point are, “ There should be erected a censorial committee, to which should be invited not the clergyman of every parish, but such as are judged worthy of the honour ; and the elders and respectable housekeepers of all the states should also be called upon. This committee should examine particularly into the wants of families overburdened with infirm members, with widows or orphans, and a proportionate provision should be made for them out of the fund raised by the gratuitous contributions of the province ; which would be a tax on charity so much the less oppressive, as there ought not to be suffered throughout all Poland either beggars or hospitals.

and be truly useful to mankind, he compounds with the passions of men; and gradually overcomes the obstacles which oppose him. Thus Rousseau, without wounding the nobles, endeavours to complete his design of giving freedom to their vassals.

The examples I have produced in the first chapter of my remarks on Poland prove, that no inconveniency would have arisen from the franchisement of all the peasants, and that the proprietors would have been well recompensed for that act of justice. But it was not barely a release from personal servitude that Rousseau sought to obtain for the Polish husbandmen: it was to the dietines that he wished to conduct them. Is it sufficient for men, who live in a republic, to enjoy the simple privilege of labouring in their field as they chuse; of collecting its fruits, and selling them at their pleasure? Does that constitute liberty? does it render a man a citizen? does it make him a part of the state? Undoubtedly it does not. All the peasants of Poland might be thus enfranchised, without becoming by it members of the civil society, any more than they were before their enfranchisement. That title is only acquired when they participate the legislative power; and make, in consequence, a part of the sovereignty. This certain truth, this grand constitutional principle, shews the meaning of that just definition of the constitution of Poland—*The nobles are every thing, the burgeses are nothing, and the peasants*

*are*

ed by these principles of justice and prudence, we should have seen decrees issued from its bosom, which must have caused the most dreadful tumults: the bonds of servitude had been broken at one stroke throughout the French colonies: the proprietor had been obliged to abandon his habitation to his negroes, and fly to a town for shelter from the transports of unbridled liberty: in a little time the lands had lain uncultivated; and produced nothing but wild crops of little value: the creole, ruined and destitute of hope, had not been able to fulfil his mercantile engagements: and the maritime towns of France, wounded by the blow which had stricken down their debtors, would have experienced the most terrible revolutions. But I will venture to predict, that an assembly, from whence only equitable and salutary decrees ought to issue, will resist such a premature system, and not make the nation pay so dearly for that liberty, which should be merited before it is obtained\*.

Cer-

\* After the seeds of mischief had been disseminated and nursed in the French West India Islands by the declaration of rights, and by a subsequent resolution of the national assembly to admit the *mulattoes, or people of colour*, to an equal participation with Frenchmen in all the rights of citizens, it is not easy to conceive from what measure, except that retrograde course advised by Abbé Raynal, M. de la Croix could hope for the prevention of those evils which he describes; and which are now all existing, with a thousand additional circumstances of horror, in the French colonies.



Certainly if Rousseau, so passionately fond of independence, and whose heart was filled with the first right of man, hesitated to grant without distinction liberty to European husbandmen; if he was disposed to have it made the prize of virtue; if he required the republic of Poland to indemnify the master of the enfranchised vassal; he would

The fundamental dogmas of their declaration of rights are, that *man is born and must continue free*; and that *freedom is an inalienable, an imprescriptible right, of which man cannot be deprived by any power, or even renounce by his own act.*

After solemnly promulgating this declaration of rights; after pledging themselves to maintain inviolate every part of a constitution of which it formed the basis, what but insurrections, devastation, and massacre could be expected, when in direct contradiction of the principles they had sworn to defend, the national assembly perpetuated the slavery of the *blacks*; and after rescinding their decree in favour of the *mulattos*, or *people of colour*, left the colonial assemblies (from a desire undoubtedly of having that done which they were ashamed to do) to determine whether this mixed breed of human animals should, in compliment to the white tinge in their complexion, be regarded as men, or sunk into the class of their negro parents, and excluded with them from all the rights attributed to rational creatures?

Was it not authorizing, provoking the slaves of their islands to rebel, by first holding out to them that, as men, they had an indisputable right to freedom, and then insulting them, by perpetuating their bondage? And does not the blood of those who have fallen victims to the fury of disappointed hope, to the cruelty of savage despair, rest upon the heads of those men whose *justice* and *prudence* have occasioned the scenes of devastation and slaughter which are every day exhibited in the French West India islands?

have

have been far from pretending that, without preparation, without indemnity, all the slaves of America ought to be set free; and left to wander about in idleness, on the soil which could be cultivated only by their hands.

But this is dwelling too long on a subject, which can inspire none but melancholy thoughts. I will turn from it, and observe how this true friend of mankind develops his project. "When (continues he) they shall have successively enfranchized a certain number of families in each canton, they may enfranchise whole villages; introduce trade among them by degrees; assign to them some land, as private property, and some in common, as in Switzerland; and establish municipal officers: and when things shall have been at last brought into such a state as will admit of it, without any perceptible revolution, the work may be completed at large, by rendering to all the right which Nature has given them, of participating in the administration of their country, by sending deputies to the dietines."

We must remember, however, that it is to the nobility of Poland that Rousseau addresses this counsel: and that he was obliged, in order to gain their attention, to be favourable to their pride and their interest. When a writer does not aim at dazzling the minds of his readers by a glittering chimaera of genius, but seriously desires to produce good,

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Far be from the French nation all these false and  
 incon-

arm remaining display it grasping the lance ; and bid defiance by his air to the enemies of his country.

Rousseau, like the Omnipotent, makes life spring out of nothing. After transforming the Polish peasant into a citizen ; he seeks to render the burgeses equal to the noble.

I shall transcribe what he says upon the subject ; for by making him speak, I acquire an indisputable right to attention.

“ The same method may be pursued for ennobling a determined number of burgeses ; and even without ennobling them, certain offices of high distinction may be appropriated for them alone to fill, and from which the nobles should be excluded, in imitation of the Venetians ; who, though so jealous of their nobility, give always, besides other subaltern employments, the second place in the state to a citizen : it is that of great chancellor ; an office to which no patrician can ever pretend. By opening in this manner the gate of nobility and honours to the burgeses, their affections will be attached to their country, whose constitution they will defend.

“ Without ennobling individuals, certain towns collectively might be ennobled ; giving the preference to those in which commerce, industry, and arts were found to flourish most ; and where, consequently, the municipal administration ought  
“ to

## C H A P. X.

OF POLAND; OF THE JEWS; AND OF THE POLISH CONSTITUTION; BY JOHN JAMES ROUSSEAU.

OF all the productions of Rousseau, the *Social Contract* and the *Considerations on the government of Poland* are those which have been the most quoted, and perhaps the least read. Few men have gone deeply into them; because they require a persevering tention of mind; and do not offer, like his other works, those agreeable degressions, which are so many resting places where the thoughts may take repose. In these two works he demands continual attention; and never refreshes the imagination, which he had used to intoxicate with his delightful fictions. It seems as if this writer, after having paid an immense tribute to sensibility and to the graces, was determined to render all his future homage to austere reason alone.

It is in the chapter on the means of maintaining the constitution, that Rousseau particularly unites the most profound observations.

“ The weakness (says he) of the legislative power  
in

inconsistent ideas : and when in future her citizens wish to distinguish each other, be it only by these simple words—this is a good, a generous citizen ; that is stern and implacable : there goes a man who has cultivated his mind, and brought his talents to perfection : the other, whom you see beyond him, remains as he came from the hand of nature : the soldier who goes yonder, has nothing to give his country besides his valour ; but the state may depend on the tribute of his service : that other has nothing but his gold, and that he keeps to himself. This is the manner in which the noble and the labourer shall be one day distinguished ; and titles shall only be derived from the exercise of the virtues, and the proper use of opulence and talents.

The most illustrious cities are not those which are the most rich, the most populous, but those where manufactures are most encouraged ; where commerce is conducted with the greatest fidelity ; where charity is best administered ; where the imposts are assessed with the greatest justice, and paid with the greatest exactitude ; where the poor meet with the fewest humiliations ; and where the magistracy is the most equitable. May all the cities of the kingdom stand forth competitors for the honour of being pre-eminent in these points, and yet leave it undetermined which deserves to bear away the prize.

CHAP.

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“ The weakness (says he) of the legislative power  
in

“ in Poland has been occasioned in an extraordinary  
“ and perhaps singular manner; it has lost its  
“ energy, without having been subjugated by the  
“ executive power. The diet (continues he) pos-  
“ sesses the sovereignty as much as at its first  
“ establishment; yet it is without force; and,  
“ though nothing governs it, nothing obeys it.”

Is it not a misfortune, common to more than one assembly, that though it is not governed by any thing, it cannot obtain an absolute submission to its decrees from those who do not find it their interest to obey them? And have we not already had this truth confirmed to us by more than one proof? Oh you men, who would be free! do you entertain so little respect for liberty as to believe that it is not worth compleating? What authority would you obey, if you refuse submission even to your own?

Rouffeau thinks that, “ what has hitherto pre-  
“ served the legislative authority in Poland, is the  
“ continual presence of the legislature; the fre-  
“ quent meeting of the diets; and the nuncios be-  
“ ing so often renewed. England, (says he),  
“ which enjoys the first of these advantages, has  
“ lost her liberty by neglecting the other.”

The English may well be astonished at this assertion: they who style themselves the freest people on earth, with what indignation must they have heard it said, by a citizen of Geneva, that they have lost their liberty!

“ The



“ The same parliament (continues Rousseau) exists so long, that the court, which would be exhausted by purchasing the members every year, expects its account in buying them for seven; and is not disappointed.”

Can it be true that the majority of the parliament of England are sold to the court, and that the minister may depend for seven years on the suffrages he has bought? Or is this one of those exaggerations too common with Rousseau?

This writer ranks, among the number of causes which have preserved the legislative power in Poland, the frequent passage of the executive power into new hands. “ Each king (says he) makes some strides towards arbitrary power; but at the next election, his successor is forced to take a retrograde course, instead of pursuing the same path: thus each king, at the commencement of his reign, is obliged by a *pacta conventa*, to set out from the same point; so that in spite of their habitual inclination, they make no real progress towards despotism.”

After this remark, Rousseau does not conceal the inconveniencies of having the executive power divided among many individuals; since it must, in consequence, be deficient in that harmony which ought to subsist through all its parts. Such a division, according to him, “ causes a continual endeavour to monopolize authority, which is incompatible

“ compatible with order: each depositary of one  
“ part of the executive power places himself, in  
“ virtue of that part, above the magistrates and the  
“ laws in every respect: he acknowledges indeed  
“ the authority of the diet; but when the diet is  
“ dissolved he owns no power above him; he de-  
“ spises the tribunals, and braves their decisions.  
“ Thus many petty despots are produced, who,  
“ without usurping the sovereign authority, conti-  
“ nually oppress the citizens in particular points.”

This passage should be particularly attended to by the people of France. According to their plan of constitution, there can be no reason to fear that any municipality, any directory, or any tribunal, the depository of executive power, will believe its authority superior to that of the national representation, while that representation subsists: but if it should disappear, or become enfeebled, would there not be room to apprehend, that these different emanations of the legislative and executive powers might give much inquietude to the citizens, and make them experience from their power such multiplied acts of injustice, as would be in the aggregate equivalent to those of despotism? When the question is, how to establish liberty, it is better to be fearfully cautious, than to indulge in a too confident security.

In order to secure themselves from this arbitrary  
VOL. I. X authority,

authority, Rousseau advises the Polanders to arm with all the executive force, a respectable and permanent body, such as the senate, capable of confining within the bounds of duty, by its solidity and by its authority, those grandees who are endeavouring to deviate from it. While he proposes this means, he acknowledges the danger with which it is attended; and that all bodies invested with the executive power, incline strongly to subjugate the legislative power, which they sooner or later accomplish.

The result of these opinions laid down by Rousseau is, that, “for a nation to preserve its sovereignty as long as possible, it should be frequently, if not permanently represented: but not long by the same representatives.

“That the constitution once established, it should give to its deputies instructions well detailed, well accounted for: and that it should confide the executive power in hands which are not in a state to crush down the legislative power.”

But it is not enough to give wise councils: the means of pursuing them must be pointed out. How can the assemblies in which elections are made, be prevented becoming the central point of intrigue? If you allow every single member of the legislative body to enjoy the right of a *veto*, the executive power need only to corrupt one of the members to  
strike

strike all the others with nullity : if you annihilate this *veto*, of what consequence is it to give instructions to your nuncios or representatives, since the others may have different ones ; and all their demands, all their protests, will not hinder what has been decreed by a plurality of suffrages passing into a law ?

The excellence of a government is like that of a machine, whose perfection consists in its simplicity, and its being unembarrassed with superfluous wheels and levers : its action will be more regular without them ; and if it stops or becomes disordered, it will be more easy to discover the cause, and restore a due equilibrium. By the French constitution the executive power is confided to the monarch, and the legislative power is placed in the national assembly : let that assembly make laws so evidently wise and equitable, that all the people must give them their assent, and the nation will be so well disposed to observe, and to maintain them, that the executive power will remain in a state of happy inactivity. This is the most certain means of combining the legislative power and the general happiness, with that authority of which our politicians entertain such fears.

While the power of the king is employed only in executing those laws to which he has consented, and of which his subjects approve, what can the

nation have to apprehend from the force with which he is invested? If a law is unjust, why should its existence be permitted? If it is equivocal, why not explain its meaning more determinately?

Rousseau was persuaded that the dietines of Poland had the most virtue, and the diets the most knowledge. It is unfortunate that virtue and knowledge should not unite in those who constitute the sovereignty.

“ It is a great evil, (says he), when too much  
 “ precious time is wasted in long and useless harangues; but it is a greater evil still, when a  
 “ good citizen dares not speak though he has useful things to say. They may however (continues Rousseau) in order to prune a little their  
 “ windings, oblige all speakers to announce, in  
 “ the beginning of their discourse, the propositions  
 “ they intend to make; and, after having deduced  
 “ their arguments, to give their conclusions summarily, in the manner of the king’s officers in  
 “ the courts of justice. If this did not abridge discourses, it would at least restrain those who would  
 “ say much about nothing, and cause much time to  
 “ be consumed in doing nothing.”

Is there then also in the Polish diet, representatives who harangue only for the purpose of changing the subject of debate; turning the proceedings of the assembly out of their course, and consuming  
 time

time uselessly? But it is the misfortune of all countries.

I shall pass hastily over the ideas of Rousseau, respecting the number of nuncios, and of senators, whom he thinks should have admission to the diet, that I may come to the chapter whose title is *du roy* (of the king). The author begins with an assertion which cannot be admitted in France, since the French have given to their monarch the title of *Restorer of Liberty*. “ It is a great misfortune (says he) that the chief of a nation is born the enemy of that liberty which he ought to defend. There would be no temptation without hope: render usurpation impracticable: you will of course remove all idea of it from the minds of your kings; and they will study only how to govern you well; how to defend you; and employ all their efforts in your service. Much thought has been bestowed in considering how kings may be deprived of the means of hurting their people; but no endeavours have been made to prevent their corrupting them; though the means of doing it are abundantly supplied by the favours of which they have the distribution. The difficulty is, that, by taking from them this right of distribution, we should seem to take away every thing; therefore, it must not be done; unless we are disposed to have no king. If the chief of a nation is not an absolute nullity, he must do something;

“and, however little it may be, it must be either  
“good or evil.”

I am far from adopting, in this particular, the opinions of the citizen of Geneva : the most unfortunate circumstance which could occur to a nation, would be always to behold in its chief the natural enemy of its liberty : the thought would raise an insurmountable barrier between him and the hearts of his subjects. Why place at their head, and invest with executive power a prince whom they behold in so odious a point of view ?

Are kings so naturally ill-disposed as to place all their felicity in oppression ? what can they derive from it ? An oppressed people become poor ; a free people become rich : it is surely the interest of him, who can only be enriched by his subjects, that those subjects should enrich themselves. What advantage can absolute authority receive in giving to one the property of another ; in granting to intrigue what belongs to merit ; in inspiring fear, instead of conciliating affection ?

If your king is a warrior, is it not of importance to him to have good soldiers, and officers who know how to command them ? If he loves the arts, is it in a nation afflicted by injustice that he can see talents contending for the glory of celebrating his reign ? If he takes delight in nothing but repose, is he not more secure of preserving tranquillity, by confining himself to giving orders for the execution  
of

of those laws which have been solicited by his people? If he feels himself gratified by seeing a croud of courtiers round him, let his gardens, let his palace be thrown open, and a multitude of adulators will succeed without intermission.

It is certainly not necessary that all rewards, all honours, and particularly all employments, should be in the hands of the king; because they would soon pass into the hands of his ministers, who would bestow them through their minions, or what is worse, their mistresses which would degrade honours, and those who obtained them; but still the chief of a great nation ought to possess the means of manifesting, to those who deserve it, his approbation of their services: let us therefore confine, annihilate, if it be possible, the opportunity of doing evil; but let us not tear from our kings their noblest attribute, the power of diffusing benefits.

“It has been proposed (says Rousseau) to render the Polish crown hereditary; but assure yourselves that, from the moment such a law takes place, Poland may forever bid adieu to liberty.”

I am ignorant of the reason why the hereditary succession of the crown should be more incompatible with liberty in Poland than in England; for, according to Rousseau, the only cause why liberty exists no longer among the English is, that the parliaments are not renewed sufficiently often. Why then, if the diets of Poland continue to be renewed every



cession, cannot liberty maintain itself there under an hereditary crown?

The lessons of experience are preferable to those of a republican, always alarmed at a power which is transmitted from father to son. It is certainly known that the elections of their kings have involved Poland in tumults at every vacancy of the throne; and it is equally true that a prince, who in the decline of life sees the sceptre dropping from his hand, will take little concern for the glory of a people who will be governed by a stranger, to him entirely unknown. Such a king is, with respect to his states, like a tenant, who will suffer all to fall to ruins, rather than repair any thing at his own expence: provided that I die king of Poland, of what consequence would it be to me (might say the prince upon the throne) if the country were to perish with me? But if he is to be succeeded by a son, or a nephew, who is dear to him, he carefully embellishes his empire; he patronizes the arts; encourages agriculture; opens all the channels of commerce; maintains the discipline of the army; and improves the inheritance which he is to transmit to the object of his affections.

Rousseau is not willing that the son of a king should succeed his father in the throne of Poland, and yet he approves of the confederacies, which are in fact civil wars among the citizens. " Shall

" I dare

“ I dare (says he) to speak of confederacies, and  
“ differ in opinion from the learned respecting  
“ them? They see only the evil which is done by  
“ these confederacies: that which they hinder  
“ should also be considered.

“ A confederacy is without dispute a state of  
“ violence in the republic: but there are ex-  
“ treme diseases which require violent remedies,  
“ and which must be cured at any expence. The  
“ confederacy in Poland what a dictator was  
“ in Rome; it can, as did that magistrate, hold  
“ the laws suspended in any crisis of imminent dan-  
“ ger: but there is this material difference be-  
“ tween them; the dictator being directly contrary  
“ to the Roman legislation, and to the spirit of the  
“ Roman government, completed its destruction;  
“ while the confederacy on the contrary being a  
“ means of establishing and giving firmness to the  
“ constitution when shaken by great efforts, can  
“ conduct and invigorate the relaxed springs of the  
“ state, without being able at any time to break  
“ them. This federative system is, in my opinion,  
“ a chef d'œuvre: all free states, which have ne-  
“ ver experienced great crises, are in danger of  
“ perishing whenever a storm shall arise: and Po-  
“ land alone, from having been accustomed to such  
“ dangers, has found a means of maintaining her  
“ constitution from their rage. Without her con-  
“ federacies Poland would long since have been no  
“ more;

“ more; and I am much afraid that if they are  
 “ abolished she will not long survive.”

This passage is a curious one; and betrays a republican spirit, which accords with the sentiment of the Polander, who, when he was spoken to on the subject of the troubles of Poland, said, *I prefer tempestuous liberty to the calm of despotism.*

Montesquieu, whose opinion does not agree with that of Rousseau on this point, says, “ The laws  
 “ of Poland have also their *insurrection*: but the  
 “ inconveniencies which result from it make it evident that the people of Crete alone were able to  
 “ employ such a remedy with success.”

Thus Montesquieu does not blame the remedy itself; he only says that it could agree with no other people but the Cretans; and he gives the following reason for his opinion:

“ The people of Crete (says he) in order to hold  
 “ the principal magistrates dependant on the laws,  
 “ employed a very singular means: it was that of  
 “ the *insurrection*. Part of the citizens revolted;  
 “ put the magistrates to flight; and obliged them  
 “ to return to the condition of private persons:  
 “ and this was supposed to be done in consequence of the law. Such an institution, which  
 “ established sedition in order to hinder the abuse  
 “ of power, seems as if it would overturn any republic whatever: yet it did not destroy that of  
 “ Crete for this reason;—when the ancients were  
 “ dis-

“ disposed to speak of any people who had the  
 “ greatest love for their country, they cited the  
 “ Cretans. *Our country* (says Plato) *a name so ten-*  
 “ *der to the Cretans*, that they apply to it the term  
 “ which expresses the affection of a mother for her  
 “ children. But the love of our country refines  
 “ every thing.”

This may be called a contest between two men of genius; and it afforded me pleasure to bring into one point of view the opinions of these illustrious writers on the same subject. One of them pretends that the *insurrection* is to Poland a most valuable law: the other thinks the Poles unworthy of having such a law; and is only for granting it to those people, in whom the love of their country is a passion.

Who could have foreseen that those ideas, with which the French were so long unacquainted, would one day have returned, and appeared natural to them? Neither Montesquieu nor Rousseau imagined that, in the bosom of France, where they were speaking of insurrections as of a violent remedy which might purify the laws, there should be formed such a confederacy as had never been seen either in Crete or in Poland: which should have for its object the overthrow of an ancient colossus of vicious institutions and barbarous usages; by putting to flight both ministers and magistrates;  
 by

by plunging them into a private state ; by striking with terror all those who dared to shew themselves the defenders of an oppressive system ; by taking the public property under the safe-guard of honour ; and by reducing to a state of happy impotence those subaltern despots, who, in an enlightened age, were disposed to fetter even the thoughts of men. .

In treating of rules for governing Rousseau divides them into three codes : the political, the civil, and the criminal : each of which should be as brief, clear, and precise as possible. “ These codes (says he) shall  
 “ be taught not only in the universities, but in all  
 “ colleges, and there will be occasion for no other  
 “ body of law. All the rules of natural right are  
 “ better engraved in the hearts of men than in all  
 “ the trash of Justinian : only render them honest  
 “ and virtuous, and I will answer for their having  
 “ enough of law. But all public men must be  
 “ instructed in the positive laws of their country ;  
 “ and in the particular rules by which they are  
 “ governed.”

He also insists that, before the dietines are opened to the candidates, they should submit to an examination in political law ; that, in order to render the knowledge of the civil law more easy, the same laws should subsist in all the provinces : and, with a design to eradicate the spirit of preserving bodies or societies, he would have the profession

of *advocate* and *judge* to be only a transitory state through which men should pass to all the offices of the republic : he destroys all intails, all elderships, for the purpose of diminishing the great inequality of fortune ; and while he perceives the necessity of considering landed property as of some consequence, he is not disposed to let it have too much weight. “ Because a gentleman (says he) has no  
 “ land, does he on that account cease to be free,  
 “ or cease to be noble? Is his poverty alone so  
 “ great a crime, that it must make him lose the  
 “ title of citizen ?”

These reflections are so evidently just, that it is sufficient only to mention them : it is however singular, that while the Polanders for whom they were published neglected to profit by them, the French, to whom they seemed to be more foreign than to any other people, have adopted them in their legislation. It is already made a part of the plan of their legislators, to destroy the right of primogeniture, so contrary to nature, in order to diminish the too great inequality of fortune ; to abolish that absurd diversity of customs, which proved an eternal subject for chicanery ; and to efface that monopolizing spirit, subsisting in certain societies, by which the profession of a judge and of an advocate were rendered lucrative employments, when they ought to be only honourable ones.

Let

Let the laws be rendered so clear, that no quality but integrity shall be required in the person who is to apply their sense; no talent but the simple power of speaking necessary for defending any cause: let it be truth alone which makes itself attended to before the tribunals of justice: let good faith only decide in them; and annihilate forever all interpreters and commentators. A law which requires to be interpreted and commented upon, is of no worth: they are made for the people; and they ought to be comprehensible by the single light of reason.

The political system which Rousseau marks out for the Polanders is of all systems the most simple, and the most easy to pursue: but unfortunately it will not agree with a nation who has contracted money-debts with foreigners, unless it can by means of its export trade acquit the obligation insensibly.

Whatever importance our great financiers may attach to the circulation of money, Rousseau endeavours to bring into discredit that appearance of wealth which deceives the possessors, and which makes them believe themselves rich when they have much gold or silver coin at command, as if gold and silver had any other value than what men give it by mutual consent; and as if it did not always render its possessors dependant on those who gather real riches. “ It is more desirable (says Rousseau) to  
“ live

“ live in abundance than in opulence : be you bet-  
 “ ter than money-holders ; be rich ; cultivate well  
 “ your fields ; and, without minding any thing be-  
 “ sides, you will soon reap a golden harvest. Pub-  
 “ lic expences you will say are inevitable : I grant  
 “ it : support them with every thing but money.  
 “ Even to this day we see in Switzerland the offi-  
 “ cers, the magistrates, and other public pensioners  
 “ paid with commodities ; and all the public ser-  
 “ vice done by *corvee*, (unpaid for duty), so that  
 “ the state pays for scarcely any thing in money.

“ The republic, by proportioning and distribut-  
 “ ing in a proper manner such rewards as are mere-  
 “ ly honorary, would find every purpose answered  
 “ by a treasure which could never lead to ruin, and  
 “ which would make all her citizens heroes. This  
 “ treasure of honours would prove an inexhaustible  
 “ source to a people sensible of honour : would  
 “ to God that Poland had hopes of exhausting it ;  
 “ for happy must that nation be which could no  
 “ longer find distinctions for virtue !”

This resource, which to Rousseau appeared ex-  
 haustless, has surely been exhausted in France, not  
 by the use but the abuse of it. If I might venture  
 to publish my thoughts upon the subject, I should  
 be far from desiring as many do to annihilate all  
 distinctions, all dignities, all ornamental append-  
 ages : on the contrary, it would be my wish to re-  
 store to them all the glory they have lost, and I  
 would



would employ this means of effecting it: I would create a new tribunal, which should be styled *the tribunal of honours*. It should be composed of members whose rewards had been conferred by the public suffrage. I would oblige all citizens, who bore external badges of distinction, to make their appearance before this august tribunal, and there to deposit these badges. They should afterwards declare by what title, or in consequence of what action they had been obtained: and if it appeared that they were only a distinction proportioned to services, they should be restored. The cross, which is the evidence of military courage, should be preserved by all officers who had devoted to their country the time fixed for deserving it; and by those who had obtained it by their valour. From that moment this mark of distinction would cease to lead the beholder into an error, by hanging to the garment of a secretary, an inspector of police, or an intriguing sycophant, who had served only the pleasures of a minister. The *cordons*\* sunk into such discredit, since more distinguished orders have adorned bravery or birth, should be submitted to the same censure, and only restored to those who had truly distinguished themselves in the arts, or in some useful profession.

I would abolish all those distinctions which

\* The blue ribbon, ensignia of the order of the Holy Ghost.

point to nobility; because if they are to mark their origin, all real gentlemen have an equal right to be so distinguished:

So far would our brave warriors be from distrusting such a tribunal as I have been proposing, that they all form in their hearts a wish for its establishment. Who would dare to snatch from a *d'Estaing*, from a *Bouille*, from a *la Motte Piquet*, from a *Chastant*, from any old general who had distinguished himself in the wars of his country; the honours which he had so well deserved? Who would hesitate in rendering to any inferior officer covered with wounds, and grown gray in the service, an indemnification for the fortune which he had disdained to acquire in a less perilous profession?

The treasure of honours would be thus at once increased by the restitution made by usurpers, and the nation would be no longer at a loss for the means of rewarding its real servants.

Let the collector of the revenue, let the secretary be paid with money, but let us reserve honourable distinctions for courage and for talents. We must chuse whether we will possess glory or riches; reverence or opulence. Oh abject man! if thou makest account of nothing but gold, gain thou that gold; amass it until thy coffers are full; until thy garments are covered with it; until all the utensils on which thou art served are of the metal so precious in thy sight: but believe not that thou

canst purchase with it our respect, our homage : thou shalt remain forever amidst the multitude, because they will never open a passage through them to a man who has no true right to their regards. If in a public place where money alone procures admission, thou occupiest the highest seats, they will cease to be the highest in the opinion of the multitude ; they will be considered only as the seats of opulence ; and thou wilt be acknowledged as one of the richest men in the state, but nothing more : there will come a time when thou wilt blush at that which inflated thy pride, and thou wilt immerse thyself amidst the populace, in order to rise afterwards above them by noble and generous actions.

Rouffeau recommends the preferring real to personal imposts, and avoiding those which it is difficult or expensive to collect, but more particularly those which may be evaded by the contraband trader, as they prove the means of filling the state with plunderers and defrauders. “ An impost  
 “ (says he) ought to be so well proportioned, that  
 “ the ill consequences of fraud should outweigh its  
 “ profit : thus never lay a tax on what may be ea-  
 “ sily concealed : such as gold and laces. It is bet-  
 “ ter to forbid the wearing of them than the im-  
 “ portation.”

The best and most natural tax in his opinion, is a duly proportioned one on all lands without exception :

ception : which he is inclined to have paid in kind, and farmed to the highest bidder as the *dime* or tenth is farmed in France.

This system; which agrees with those of Vauban and the Abbé de Saint Pierre, is very practicable in Poland, where the chief riches consists in lands; and where a deficiency of national credit has prevented the republic contracting immense engagements with foreigners; but in France, where innumerable stockholders have always a productive fund in their pocketbooks; where the buildings, which afford no natural production, form a revenue equal to that of the land, a land-tax could effect but a small part of the riches of a nation; and the levying in kind would be only practicable in the country. Such are the considerations which derange the best systems!

It is in vain to say that the consumer who lives in the city pays in the end the tax levied on the land: I answer that the simple artizan who subsists entirely on bread, will pay a greater proportion of the tax to which corn is subjected, than the rich man by whom a smaller quantity of it is consumed.

If I am told that the wages of the journeyman increases in proportion to the increased price of provisions, I shall reply, that it is exactly the contrary; for the journeyman being under a greater necessity of labouring to support life than the rich

man is of employing him, the latter will take a base advantage of his necessities, and of the number of competitors for employment, to reduce the price of labour, while that of corn continues to increase.

This is a truth so evident and incontestible, that I know not how men, esteemed for their knowledge and for their intentions, can so obstinately deny it. Begin you, whoever you are, that would refute my assertion, by insuring in all seasons, under all revolutions, employment to those who live by their labour, before you make their means of existence depend on the variations in the price of that article which is more necessary than any other for their support: furnish them with the means of making bread, but do not expose them to the danger of being wholly without it when they shall have neither money nor credit to procure a supply. Remember that famine is above the restraint of law: that the father of a family, surrounded with his children who cry to him for bread, has no alternative but to rush down from his garret in a frenzy of despair, and snatch from the first person he meets with, the means of saving from death the miserable infants who impatiently wait his return: remember that the crime of this man is committed at the instigation of nature; nay, that it is rather your crime; you who have coolly determined that his wages should rise in proportion to the price of corn.

From

From a philosopher strange to arms a well-arranged military system might not have been expected : but nothing is strange to reason and genius : and it is not forgotten that the great Condé while attending a dramatic representation, in which Corneill discovered the most perfect knowledge in the art of war, exclaimed with astonishment, *where has he learnt all this?*

Condé would have been perhaps as much surpris'd if he had observed Rousseau tracing out for the people of Poland the plan of defence most agreeable to their country and their manners.

“ Regular troops, (says he), the plague and depopulators of Europe, are good for only two purposes : for attacking and conquering their neighbours ; or for enchaining and subjugating their fellow citizens. The state must not remain without defenders : I know it ; but its true defenders are its members. All citizens ought to be soldiers by duty : none should be such by trade. In a state like Poland supplies may be easily drawn from the provinces to replace the army of the crown by a number of militia always on foot : and this being changed at least every year, and taken by small detachments from all classes, would be oppressive only in a trifling degree to individuals, as it would not be the turn of any one to serve above once in twelve or fifteen years.

“ Why should not the equestrian order pursue  
 “ a plan similar to that which I have proposed for  
 “ the infantry? Establish in all the palatinates  
 “ bodies of cavalry, in which all the nobility shall  
 “ be enrolled: let them have their subaltern and  
 “ staff officers, and their standards: let them have  
 “ quarters assigned them, in case of an alarm; and  
 “ a time appointed for their assembling every  
 “ year: let these brave nobles exercise in squa-  
 “ drons; practice all kinds of evolutions; observe  
 “ order and precision in their manœuvres, and ac-  
 “ quaint themselves with military subordination. I  
 “ would not have them servilely imitate the tactics  
 “ of other nations; I would have them form a sy-  
 “ stem peculiar to themselves; which would un-  
 “ fold and bring to perfection their natural and  
 “ national dispositions. I would have them parti-  
 “ cularly attend to lightness and agility in their  
 “ exercise: accustom themselves to be broken,  
 “ dispersed, and to form again without difficulty  
 “ and without confusion. Let them excel particu-  
 “ larly in what is called skirmishing; in all the  
 “ manœuvres proper for light troops: in the arts  
 “ of overrunning a country like a torrent; of an-  
 “ noying the enemy every where without being  
 “ ever annoyed; of cutting off communications;  
 “ intercepting convoys; charging rear-guards, and  
 “ hurrying away advanced ones; surprizing de-  
 “ tached parties; and harrassing great armies when  
 “ on

“ on their march, or encamped. Let them imitate the conduct as they possess the valour of the ancient Parthians: let them learn like them to vanquish and destroy the best disciplined armies without ever coming to battle, or leaving them a moment to recover themselves.”

Neither the Follards, nor any other of our best writers on the subject of tactics, have given us any thing comparable with this passage.

Rousseau does not advise the Polanders to have any fortified places; he calls them *the nests of tyrants*. “ The places which you fortify against the Ruffians, (says he), you fortify for them; and they will become shackles from which you will not be able to deliver yourselves: pay no regard to the advantages of posts, and do not ruin yourselves in artillery. All this is not what you require: you will never be in such a state as to render it difficult for your neighbours to enter your country, but you may make it difficult for them to get out of it with impunity: and it is to that point you ought to direct all your care.”

What a pity that such wise advice should have proved useless to Poland! If it had been followed, her ambitious neighbours had not attempted to enslave the provinces closely united with the body of the state, and easy to subjugate but difficult to preserve. The indignant nation would have rushed upon the usurpers, and seconded by generous ef-



forts, would have burst from a yoke endured with impatience by liberty.

I am now come to the developement of a project which must appear very extravagant to those nations who, vain of their institutions, disdain every thing which may recal a people to the principles of virtue, and change the course of honours.

The design of this project is to subject all the members of government to a gradual progression. Rousseau divides the active citizens who have a share in the administration into three classes; and, instead of the ribbons and jewels which distinguish the orders of chivalry, and which, according to him, *have the air of gew-gaws and effeminate finery*, he proposes plates of different metals, the value of whose materials should be proportioned to the degree of those persons who were to bare them.

“ The first introduction to public affairs should  
 “ be preceded by a trial for youth in the offices of  
 “ advocates, of assessors, and even of judges in the  
 “ inferior courts; of managers of some portion of  
 “ public money; and in general in all the inferior  
 “ situations which give to those who fill them occa-  
 “ sion of shewing their merit, their capacity, their  
 “ exactness, and above all their integrity.

“ This state of probation should continue at  
 “ least three years; at the expiration of which  
 “ time, furnished with certificates from their su-  
 “ periors, and with the testimony of the public  
 “ voice

“ voice, the probationers should present themselves  
 “ at the dietine of their province; where, after a  
 “ severe investigation of their conduct, those who  
 “ were judged worthy should be honoured with a  
 “ plate of gold bearing their name, that of their  
 “ province, and the date of their reception; and  
 “ above this inscription, in letters of a larger size,  
 “ these words, *spes patriæ*. Those who received  
 “ this plate should always wear it attached to the  
 “ right arm or on their heart; and should take  
 the title of *servants of the state*.

“ There never should be any member of the  
 “ equestrian order, except these *servants of the state*,  
 “ elected a nuncio to the diet, deputed to the  
 “ tribunal, or charged with any public function  
 “ appertaining to the sovereignty.

“ For arriving at the second degree it should be  
 “ necessary to have been three times nuncio to the  
 “ diet; and to have obtained each time from  
 “ the dietines a report of the approbation of  
 “ his constituents. On presenting these three cer-  
 “ tificates to the diet, the *servant of the state* who  
 “ had obtained them, should be honoured with the  
 “ second plate made of silver, of the same form  
 “ with the preceding one, and upon which should  
 “ be engraved these two words, *civis electus*; those  
 “ who bore it should be called *citizens of choice*; or  
 “ simply, *the elected*. These could be no longer  
 “ nuncios; they would be candidates for the  
 “ places of senators: and none could be elected

“ to that dignity without having passed through  
 “ these two first degrees.

“ Each senator who should have filled the office  
 “ three times should rise to the third and highest  
 “ degree in the state, and the badge for distinguish-  
 “ ing him should be conferred by the king, on the  
 “ nomination of the diet. This badge should be  
 “ a plate of sanguine steel, formed like the preced-  
 “ ing ones, and bearing this inscription, *custos le-*  
 “ *gum.* Those who should have received this plate  
 “ should bear it for the rest of their lives, to what-  
 “ ever eminent office they might fill; and even to  
 “ the throne, if they should happen to mount it.”

The palatines and their great *castellans* should only be drawn from the body of these *custos legum*, or guardians of the laws.

Rousseau who always, and very properly attributes great importance to the office of preceptor, would have chosen from among the *citizens of choice*, or of the second degree, the *principals of colleges*, and *inspectors of the education of children*. It is also from that body he would choose those members who, under the presidency of one of the guardians of the laws should form the *censoial* committee, of which I have spoken in the preceding chapter; the grand objects of whose existence should be the enfranchising of the peasants, and the distribution of the funds designed for charity, in proportion to the  
 wants

wants and characters of the indigent claimants.

Such are the means which Rousseau points out to the Polanders for purifying the whole administration of the republic; and for implanting and maintaining virtue in all employments. This new idea, worthy of the greatest legislators of antiquity will long remain a beautiful chimera, and perhaps never be realized in any state: but if some future generation should have the courage to adopt his plan, it will be taking a great stride towards perfection.

We have seen that for attaining to the places of palatines, and of the great *castellans*, it is necessary, according to Rousseau, to have been a senator; and consequently to have merited the third degree; he continues this progressive rise to the election of the king of Poland. After remarking to the Polanders, that one of their greatest errors has been the seeking out foreigners on whom to bestow their crown, he proves to them from the authority of their own history, that they were never better governed than by those princes who were born in Poland. In order to avoid a number of competitors, he confines eligibility to the crown to the single class of Palatines; and he makes the two modes of ballot and voting by the voice concur in this grand election. "Speedily after the decease of the king  
" (says he) the electoral diet shall be solemnly  
" con-

The names of all the palatines shall be put in competition, and from them three shall be selected by ballot, with every possible precaution to prevent the process being affected by fraud. These three names shall be declared aloud to the assembly; which in the same session, and by a majority of voices, shall chuse the one whom they prefer: and he shall be declared king on the same day."

It must be acknowledged, that a more wise method could not be pursued than that of adopting the election by vote in the bestowing of the crown. The machinations of intrigue are defeated by the use of the ballot, which can only favour a good citizen: and if the person chosen by it is not the most proper to be king, the diet has the power of chusing out of the three candidates, so selected, the one whom they believe to be the most capable of supporting the glory of the republic\*.

Rouffeau will not permit virtue to stop and become lethargic on the throne. If the desire of ascending that throne has caused all the three degrees to be gained by hypocrisy, he is willing to make the monarch continue to wear the mask until his death.

"There was (says he) an ancient custom, which

\* Notwithstanding this wise council (says M. de la Croix) the diet has appointed for the successor of their king the Elector of Saxony; and rendered the crown hereditary in his family.

“ has never been practised but by one people,  
 “ the success of which, it is astonishing, has  
 “ not tempted others to adopt it. It is indeed  
 “ scarcely proper in any but an elective king-  
 “ dom, though invented and practised in one  
 “ which was hereditary. I speak of the trials of  
 “ the kings of Egypt after their death; and of the  
 “ decree by which the rites of sepulture and royal  
 “ honours were granted or refused them, accord-  
 “ ing as they had well or ill governed during their  
 “ lives: this usage I dare propose to the Polanders  
 “ to establish. Upon the death of each king, his  
 “ body should remain uninterred until sentence had  
 “ been pronounced upon his memory: the tribunal  
 “ which should decide upon it, and decree or forbid  
 “ him the rites of sepulture, should assemble as soon  
 “ as possible: his life and his reign should be  
 “ severely examined: after the examination, in  
 “ which all citizens should be admitted to accuse  
 “ and to defend the deceased, and after full infor-  
 “ mation had been obtained by the process, sen-  
 “ tence should be pronounced with all possible so-  
 “ lem<sup>n</sup>ity.

“ In consequence of this decree, if it was fa-  
 “ vourable the deceased king should be declared a  
 “ *good and just prince*; his name should be inscribed  
 “ with honour in the list of the kings of Poland; his  
 “ body deposited with pomp in their sepulchre; and  
 “ the epithet of *glorious memory* added to his name  
 “ in

“ in all public acts and public discourses: a dower  
 “ should be assigned for his widow; and his  
 “ children, declared royal princes, should be ho-  
 “ noured with all the advantages attached to that  
 “ title.

“ If on the contrary, he was found guilty of in-  
 “ justice; of malversation; but above all of having  
 “ injured the public liberty; his memory should be  
 “ condemned and stigmatized; his body, de-  
 “ prived of royal sepulture, should be interred  
 “ without honours; his name erased from the list  
 “ of kings; and his children reduced to the class of  
 “ simple citizens, without any honourable distinc-  
 “ tion or any mark of infamy.

Thus by the fear of a sentence, Rouffseau would  
 attach kings to justice, and to respect for the laws:  
 and thus he gives a double security to the state for  
 the prince which it raises to the throne: his past  
 conduct, and the dread of the future.

This wise legislator, accused of consulting only  
 enthusiasm, and of sacrificing every conveniency to  
 his projects of reform, shews however much circum-  
 spection in the directions he gives for executing  
 his plan. “ I should (says he) advise not to begin  
 “ the execution too rapidly; but to leave in office  
 “ the greater part of those who were already  
 “ there; and to confer places, according to the  
 “ new reform, only as they became vacant: *never*  
 “ give

“ give too violent a shock to the machine \*. I doubt not  
 “ but a good plan once adopted will change even  
 “ the minds of those who have had a part in the  
 “ government under an other. We cannot all at  
 “ once create citizens anew : it is necessary to be-  
 “ gin by taking some of those who exist; and offer-  
 “ ing a new rout to their ambition : it is the means  
 “ of disposing them to follow it.”

I have made my readers perfectly acquainted with the plan of a constitution demanded in the name of a great nation from a simple citizen of a petty republic : I ought not to leave them ignorant that a Frenchman participated with him that honour : the Abbé de Mably, solicited equally to exercise his talents for legislating on the same subject, has complied with the flattering request. I will ex-

\* This excellent maxim, and many others replete with equal wisdom, and of a similar tendency, which we find dispersed through Rousseau's *Observations on Poland*, a work which was the offspring of his ripened judgment, as *the Social Contract* was of a wild youthful imagination, afford excellent lessons for all reformers of states ; and might if attended to, have prevented much of the mischief which has ensued, and more which is still likely to ensue, in France, from a conduct exactly opposite to that prescribed by the writer, whose works the French revolutionists pretend to hold forth as the scriptures under whose authority they have acted.

But the ingenious theories of *the Social Contract*, as flattering to human vanity, as they are impracticable among human creatures, were more proper than the soundest precepts, to answer the purposes of *novateurs exagérés* ; more likely to effect the overthrow of government by the lever of genius.



amine his work in the ensuing chapter; and we shall then see to which of the two rivals reason will award the palm.

May not the French indulge in future a sentiment of pride and say to themselves, “ it was in  
 “ the bosom of France that Poland came to search  
 “ her two legislators? Rousseau has composed his  
 “ finest works among us: it was in the midst of  
 “ our literati that he increased the vigour of his ta-  
 “ lents: electrified by our taste and our applause,  
 “ his genius burnt with the most charming bright-  
 “ nefs: and, in spite of our injustice towards him,  
 “ he gave us the preference to England, and to his  
 “ own ungrateful country.”

After having been long a wanderer from country to country, Rousseau took his repose with that people for whom he still cherished an affection; like a lover who retains his passion under injuries, rage, and reproach. It is in France that we find that rural monument for which he had himself marked the place; and which though raised in all the simplicity of nature, attracts more strangers, excites more regret, and causes more tears to flow, than those superb musoleums which inclose only the remains of princes and soverieigns. And yet alas! perhaps there may be languishing unknown among us the posterity of this celebrated man, who so dearly paid for a forgetfulness of the first of duties. The children of his genius,  
 more

more fortunate than those of his sense, will be always collected and adopted by the French nation. What acknowledgments do they not owe to him ! It is in his works that their legislators have learnt the sublimest rules of justice ; and it is from thence they have imbibed these grand principles of equality by which their legislation is honoured. If Rousseau still existed, perhaps on finding all his thoughts adopted in the French constitution, he would render it the most solemn homage, by assuming the title of *citizen of France*, instead of that which he had renounced.

## C H A P. XL

### AN ANALYSIS OF THE WORK OF THE ABBE DE MABLI ON POLAND.

CELEBRATED historians, and celebrated writers, such as Titus Livy, and Plutarch, have tried their talents on the parallels of generals, consuls, sovereigns, and orators; have not I at this moment all the justice, all the grounds on which they proceeded, for offering a more rare parallel: that of two legislators, consulted at the same time, in the same country, for giving a new code of laws to the same republic! These two politicians were united in the bonds of amity: they were both animated with the same love for mankind: and both, though one was born in a republic, the other in a monarchy, had the same ideas respecting the rights of citizens, and that which constituted the sovereignty. Although their talents did not rise to an equal height, they acquired almost equal celebrity in the career of public law. Their characters were not very dissimilar: both concealed a great name under extreme simplicity; and both, though they did so much honour to letters, disdained.

dain'd literary honours, and never obtained them. Both were separated from the world which offered to them its attractions; and they were seen with a philosophy, I was going to say with a misanthropy, almost equal, plunging themselves into solitude, and murmuring there against the frivolity of their age. Both excited the resentment of a man of the most universal genius: the republican preserved the deportment of a sage before the adversary who degraded himself by the attack: the French politician answered him with the morosity of an atrabellious writer; and in seeking to avenge himself he ceased to be just.

Death, which pays no respect to sublime virtues or great talents, has precipitated these illustrious rivals into the tomb: but his scythe has no power over their works; which wisdom guards from its attempts.

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It was not the fault of many bad citizens that France has escaped the affliction of this dreadful calamity: we have seen them threatening her with depopulation, by advertising their estates, in order to go and grub up the ground in America; while others were exciting foreign courts to take advantage of her dissensions by declaring war, and sending back her illustrious fugitives preceded by sanguinary troops: happily these projects, the offspring of frenzy and ungovernable pride, have vanished as the exhalations of impotent rage: the husbandmen of France will not abandon their country in the moment when she offers them the most fertile lands: the states which environ her and observe all her movements, astonished at the vigour of a body animated with new life, will not be so imprudent as to attack her at the instant of her rousing and becoming more terrible than ever.

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That of these ideas have been adopted by the national assembly of France. Perhaps it might have been prudent in such tumultuous circumstances as the present to authorize their members to bear some mark of distinction during the time of their mission, in order to shelter them from all insults. By this such persons as may now offend them without knowing who they are, would be left without an excuse : and no stranger would then dare to mingle among them, and give obscurity to the expeditious means employed for ascertaining a majority of suffrages.

The Abbé de Mably insists, " that all men charged with the functions of nuncio be irproachable : that they shall not be branded with any act of injustice : and that whoever has once disobeyed the decrees of the tribunals shall be excluded from the honour of representing his province."

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“*placed in the code of laws they say only, according to the writing, deposited in the archives.*”

It this usage (of which I still doubt) has really existence in Poland, it reflects disgrace upon the diet. Secret laws; laws which are not published in the face of God and men are the arsenals of the worst of tyranny. The parliaments of France have also had their secret registers, where certain edicts were, when enregistered, inscribed with clauses very different from those entered in the public registers. This is one of the just causes of reproach against these courts, which ought to have neither private laws nor private acts. It was their part to enregister openly, and publicly, all equitable and necessary edicts; to protest with the same openness against such as appeared to them to be contrary to justice or to the privileges of the nation, and to prefer the loss of their offices, and expose themselves to exile, rather than sacrifice the interests of the people: that was the proper courage of magistrates; and it would have been as glorious as that of their military countrymen if it had been always as watchful. This firmness which the nation would have found so beneficial, if properly exerted, has shewn itself too much on puerile occasions, and from personal motives: and government, which has frequently abused the weakness of these courts, has never been able to free itself from their ill employed resistance. Happily the bodies which were disposed to oppress the nation, and those  
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What! is the Abbé so prodigal of his talents and of  
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“sterial offices of your superior courts perpetual,  
“reject the establishment as pernicious, and con-  
“trary to the public welfare. In the present form,  
“if the judges are perverse or ill-intentioned, the  
“inconveniency is short and transient, and you  
“may console yourselves under the present evil  
“by hoping soon to have judges more enlightened  
“and more just: corruption can not establish itself  
“in tribunals where the officers are continually  
“changed, as in those where the same judges ex-  
“ercise the magistracy for life: neither can they  
“form there a jurisprudence on practice, which is  
“proper only to ruin the authority of the laws.”

I agree with the Abbè de Mably that permanent bodies are among the greatest inconveniences which can be introduced into a state; because they form classes of citizens who separating from the main body fortify themselves, and abuse the union of their powers in order to obtain an authority often superior to the laws, and to arrogate privileges destructive to equality: but I grant at the same time that the spirit of justice, of generosity, of courage, animate and electrify these bodies in a more powerful degree than the unincorporated individuals of society: we have seen companies adopt such heroic and magnanimous resolutions as have astonished their fellow citizens; and that because they had the reputation of their body to support. There are sometimes in the interior of a state

state certain associations, as of the army, or of some particular regiments, which would suffer themselves to be destroyed, from the colonel to the lowest soldier, rather than tarnish their ancient renown. It is not perhaps the bodies which ought to be changed, but the spirit of such bodies where it is become corrupt.

Although it seemed to the Abbé de Mably that perverse judges ought to be regarded as a transient inconveniency, yet surely the inconveniency was not less to be dreaded during the continuance of their magistracy : for it is not a fact that a citizen who is condemned, and who in virtue of an unjust sentence loses his fortune or his honour, can *console himself under the present evil by hoping soon to have judges more enlightened and more just*. What would it avail to a man stigmatized or ruined without having merited the misfortune, that more equitable magistrates would one day take the place of those who had plunged him into a probrium or misery, since his trial once terminated by the former would not be recognized by the latter ?

I should rather chuse to leave the members of tribunals in the exercise of their functions so long as their decisions are conformable to law, and that they had the public voice in their favour : but on the first decree which should be found to be illegal, I would have the council of revision set aside both the sentence, and the judges who had signed it ;  
and

and make a report of the text of the law which had been violated by them.

Such a practice would be productive of many good effects. In the first place all candidates for magisterial offices would perceive that the duration of their ministry must depend on the conformity of their decrees with the laws, and they would consequently study them and make themselves perfectly acquainted with their spirit.

In the second place, all the magistrates called to the decision of a cause, being bound to give their opinion in writing, would pay the strictest attention to the proceedings, and not lightly hazard their suffrages on any report which might be made to them.

In fine, there would be an emulation among all the members of the tribunals for holding their offices as long as possible; and the honour of seniority would be no longer the weak reward of years but the distinguishing recompence of persevering integrity.

The Abbé de Mably is much better sheltered from all reasonable contradiction when he advises the Polanders to avoid in their negotiations, and in what is called *the department of foreign affairs*, all secret intentions; and to substitute a free and public conduct, for those little arts of our cabinets which men of moderate talents deem so important. “ I

“ would not (says he) suffer that mystery which is

nications, the people should have been made sensible that excommunication was incurred by not suffering those who had scarcely any property to pay a heavy impost, and those who had rich possessions to be exempt from paying any.— The people, however stupid, however ignorant they might be, would have comprehended that it was an act of injustice in the clergy; and that body, upon finding their *anathemas* without effect, would have paid their quota of impost, and sent out no more denunciations.

Albert might possibly, by the power of his troops, have supported himself on the Swedish throne, if he had assessed his alarming impost on the estates of the clergy alone: but he was so impolitic as to extend it to all property without distinction: the revolt became general: all orders, the richest and the poorest were equally interested in the event; and either the whole nation must have been exterminated or Albert driven from the throne.

Queen Margaret obtained the favour of the clergy, by reinstating them in all their privileges: and the kings of Denmark conciliated their protection by confirming their privileges; but they alienated the hearts of the nobles by introducing strangers into those offices and dignities appropriated to noble Swedes. They also rendered themselves odious to the two orders of burgessees and peasants, by  
 casting

ted the police of the grand marshal which was limited to the distance of three leagues from Warsaw.

The Abbé de Mably appears to me to indicate to the Polanders but feeble and trifling means of re-establishing their military force: He proposes to them to invite foreign officers into their service; and to take Swiss regiments into their pay for completing the number of their troops. He does not perceive how he afterwards contradicts himself when he says: “ I am persuaded that in spite of the best establishments for securing the empire of the laws, and opposing the birth of arbitrary power, a people will always end in slavery if each citizen does not believe himself destined to be a soldier. We know what has been the fate of all those cowardly, indolent, and inconsiderate nations, who for disembarassing themselves from the fatigues and the dangers of war, have confided to mercenaries the care of defending them. Instead (continues he) of the military order which reigns in Switzerland, let us suppose their force to consist always of mercenary soldiers, and we should soon see liberty, peace, and good fortune take their flight.”

It is true that these measures of inviting officers from other nations, and enrolling foreign regiments were advised only as temporary expedients; and that the Abbé announces a time when they may direct “ that no gentleman shall be capable of en-



“ employed in negotiations : and I will venture to  
 “ assure those politicians who envelop themselves  
 “ with so much care that they are frequently dis-  
 “ covered ; that when they are not, they are never  
 “ believed ; and that thus all their pains are lost.  
 “ Men cannot act too openly if they would not  
 “ deceive or be deceived.” In consequence, he  
 would not have the council for foreign affairs give  
 any orders to the agents of the republic without  
 having first made their report to the senate.

All treaties ought, according to the Abbé, to be  
 concluded by the king and the senate, and ratified  
 by the general diet : without this ratification he  
 will not allow them to be considered as engage-  
 ments, or to have the force of law.

The Abbé de Mably very justly reproaches the  
 Polanders for their want of police : for the negli-  
 gence of the republic as to the keeping up their  
 high ways : and for the indifference with which  
 they expose travellers to great inconveniency from  
 finding no asylums on their roads but the *den* of a  
 Jew or the hovel of a peasant. This obliges the  
 grandees to travel at much expence and with a nu-  
 merous escort.

He exhorts the Polanders to make their roads  
 secure from danger : to cause inns to be constructed  
 upon them : to renounce the duty paid by travellers  
 for sleeping on their journey ; a duty which the in-  
 ferior nobility have arrogated : and in fine to ex-  
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“vernment to extreme weakness? I should like  
 “to have a nation which forms itself, exposed to  
 “perplexing trials: they will exalt its charac-  
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“The Polanders would be too happy if the em-  
 “barrassment of providing for their occasions,  
 “should accustom the government to the greatest  
 “economy: and the law should order the grand  
 “treasurer, or the council, to apply less to the art  
 “of improving the finances, than to that of doing  
 “without them.”

If such counsel could be given to and followed by the French at this moment; if it were possible to assist the administrators of their finances to find the art of *doing without them*, the people would be relieved from a heavy burden; and their representatives would proceed without obstacles, and in the midst of public security, to the great end of their labours.

“Let them observe in history (says the Abbé  
 “de Mably) what great things have been done by  
 “poor nations: let them examine whether those  
 “who have considered money as the nerve of war  
 “have not been always weak, languishing and un-  
 “fortunate: they will derive knowledge from this  
 “study, very favourable to the extraordinary doc-  
 “trine which I present. In a word, unless they  
 “learn how to do many things with little money;

“ joying honours, dignities, offices, or rewards,  
 “ under the republic, until he has served a certain  
 “ number of years: and it should be made a point  
 “ of honour to obey discipline, which at this time  
 “ affrights them.”

The opinion of the Abbé de Mably on the means of repairing the disorders of the finances requires to be developed, because it applies to the present situation of the finances of France.

“ Whatever dispositions may be made by the  
 “ Polanders (says he) for the reform of their go-  
 “ vernment, I know not whether it would be wise  
 “ in them when they have made it, to establish the  
 “ new imposts for which the republic may have oc-  
 “ casion, in order to carry on its operations. Far  
 “ from leaving any pretence for complaining, all  
 “ persons ought to find themselves more at ease  
 “ upon the establishment of new laws.

“ But it may be asked me what a republic can  
 “ do which has occasions, and no funds to supply  
 “ them? I reply, that it must learn patiently to do  
 “ without supplies. Necessity is a great instructor:  
 “ she opens unexpected resources: and if your re-  
 “ public knows how to act, only by circulating  
 “ money, it will be soon exhausted. Have you not  
 “ remarked that what is called *public credit*, which  
 “ the politician regards as a great fund, has al-  
 “ ways multiplied the wants of a state; rendered  
 “ desires more imprudent; and reduced the go-  
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 “have not been always weak, languishing and un-  
 “fortunate: they will derive knowledge from this  
 “study, very favourable to the extraordinary doc-  
 “trine which I present. In a word, unless they  
 “learn how to do many things with little money;

“ it is demonstrable that they will soon have little  
“ or nothing to do.”

These lessons may not be useless to the countrymen of the Abbé de Mably. France is become a new nation : she has had extensive credit : that credit has been the means of deranging her finances ; she now possesses it no more. But is it a loss to her to be stopped on the very brink of the abyss into which she was going to precipitate herself ? She will become more rich from œconomy than she was when possessed of that resource. While her administrators beheld vast floods of treasure poured in by foreigners, they neglected to make retrenchments in the public expenditure : they were prodigal, because they found an abundant capital in the treasury : and when that capital was exhausted, the sight of the immense interest with which the state was charged overwhelmed them. They had no more money ; and it was necessary to repay in portions what had been obtained in a mass on the public credit. They had habituated the attendants of the court to live in extravagance : and they had no longer the power of being just, even towards their most lawful creditors. Their fears were spread through the whole nation : indignation soon gave place to the dread of losing every thing ; and honour took the public debt under its safeguard. But in order to fulfil the engagements of  
honour,

Honour, it was necessary to regenerate the finances, and to appropriate them by a new system.

France might be compared to a fine park ornamented with beautiful woods, intersected with vistas which opened to delightful retreats; and where light sportive animals lived happy and tranquil for the pleasure of the master. It was become necessary to fell these beautiful woods; to convert them into productive fields; to till the ground; to sow it; to remove the animals which would devour its fruits; and to expect with patience the harvest, which must spring up, and make plenty succeed to the late sterile beauty of the scene. The trees which had been cut down were also to be turned to advantage: they were sold, but at a low price: and thus what had afforded only shade now produced money: what had consumed the nourishment of the earth now supplied the means for its cultivation; and what had been but luxury, oppressive to the state, became a source of its riches.

“ The collection of the public revenue (continues the Abbé de Mably) should be made in the most simple manner, and without the aid of *traitans*, (farmers of the revenue), because they would soon convert, what should only be considered as a support to the state, and managed with economy and fidelity, into a difficult and mysterious art, unknown to all but themselves: and would not neglect taking advantage of the general ignorance

“ norance to deceive the people, while at the same  
 “ time, by augmenting the wants of government,  
 “ they rendered themselves masters of its opera-  
 “ tions.”

Thus in a few words are the secrets of financiers revealed. They never enrich themselves more than when the state has occasion for their assistance : it is then that they entrap it in their snares ; make it dependant upon them ; and purchase on easy terms the right of multiplying the means of exhausting the nation. They know how to avail themselves of all the occasions, all the passions of men ; opulence, mediocrity, misery, nothing escapes them ; and even fraud they will find means of converting into a source of profit : thus one of their arts is to encourage, in order to benefit by the imprudence of government, and to make it pay dear for its first successes.

“ It would be fortunate (continues the Abbé de  
 “ Mabli) if after having determined the sum ne-  
 “ cessary for supporting the republic, they could  
 “ fix invariably the quota which each province  
 “ should pay in proportion to its wealth ; and  
 “ leave to the dietines the liberty of establishing in  
 “ their respective jurisdictions the mode of levying  
 “ it which they judge to be the least oppressive.  
 “ The treasurer of each palatinate should render an  
 “ account of his administration to the dietine ; and  
 “ pay the sum contributed by his district into  
 “ the

“ the coffers of the grand treasurer or the council  
“ of finance; who should be obliged to account  
“ to the senate and the general diet for the sums  
“ they have received and disbursed.”

If these wise and enlightened ideas have been lost to Poland, they have not been unuseful to France. The national assembly after having suppressed all superfluous expences; after having lightened the state of those charges which it had voluntarily incurred, without having means proportioned to the burden: and after having fixed by the rule of justice and dignity the expences necessary for supporting the public establishment, have given them for basis a tribute divided among all the departments, in proportion to the riches they derive from their domains or their industry: each department being to distribute the weight on all the individuals it contains; to make the collection at as little expence as possible, and to convey it to the national treasury; the revenue of which will be no more diverted from its course by subterraneous channels, for pampering parasitical weeds.

The Abbé de Mably desires, and very wisely, that, “ besides the sum which each province pays  
“ to the republic, it shall be authorised to assess  
“ imposts for the purposes of paying the salaries of  
“ the officers employed by the province; for  
“ making and repairing the roads; constructing  
“ bridges; and making useful establishments with-  
“ in



“ in its limits. This administration enjoyed by  
 “ the provinces would preserve the appearance of  
 “ that independence, of which they are so tena-  
 “ cious ; give opportunity for the display of talents ;  
 “ and excite among them a very advantageous  
 “ emulation.”

If the principal municipalities of France should obtain this valuable privilege, let them guard against abusing it : let them adopt the practice of giving public information to all the inhabitants ; and obtaining the consent, almost to unanimity of all the contributors, before they require any thing from them : let them render to them an exact account of the employment of their money : let them never depart from the most severe œconomy : and let them intrust the conducting of all public works to men of irreproachable character ; and let them notwithstanding watch over them with care : for the people have been so often victims of abuse, and of unjust preferences ; that they will always suspect depredation, infidelity, and theft which do not exist : and it is the influence of freedom alone which can wholly banish these suspicions, and oblige them to honour that authority which they are so much disposed to blacken and calumniate.

I shall stop here : for I do not think it my duty to follow the Abbé de Mably through his whole work for the sake of defending his system. I have touched upon all his material points ; and have  
 dwelt

dwelt particularly on those which had any relation to the present state of France, because it was the best means of prolonging attention on a subject so much exhausted; and I have endeavoured to place in a comparative point of view the talents and the ideas of the two legislators consulted by Poland. If I might be permitted to give my opinion of their systems I should say, that after rendering to the Abbé de Mably all the justice which is due to his wisdom; to his regard for what is good and just; to his profound political views; and to his knowledge of the characters of nations, I am far from believing his plan of government comparable with that of Rousseau. Can there be any thing more ingenious, I had almost said more magical, than the art with which Rousseau leads the Polish peasants out of the chains of slavery, and brings them to the enjoyment of freedom? How well he knows how to humour the weakness of a vain people who make chimeras the objects of their pride! He finds the means of extending insensibly to all the citizens the lustre of nobility, in order to open to them admission to the diets; and of making them participate in the government without wounding a prejudice not easily removed.

But that which is above all praise, is his idea of raising merit and virtue from the most modest employments of the republic; of making them pass

suç,

successively from degree to degree; from dignity to dignity; from distinction to distinction; and shewing them in perspective the glory of the diadem, as the possible reward of patriotism and talents.

Any other than Rousseau would have stopt here, and seen nothing to propose beyond a crown as an incentive to perseverance in virtue, or to the ambition of reigning: but it was not enough for his genius. He goes to search in the most remote antiquity an institution neglected, annihilated; and revives it as a means of restraining even on the throne the prince whom he has placed upon it; and whose person is inviolable. He shews him on one side his memory adorned with honours; his widow maintained by the republic; and his children distinguished by an august title, if he has persevered in equity: on the other, he presents his memory branded with infamy; his remains excluded from the royal sepulchre; the partner of his bed cast off; and his children plunged into obscurity, if he should have the misfortune of tarnishing his glory by unjust actions; and of making his people lament that they had him for their king.

I must however make one observation on this subject. Rousseau pretends that this solemn institution of trying monarchs after their decease existed only in Egypt, and has never been followed by any other people on earth. But notwithstanding his assertion we find traces of it in modern history.

On

On the death of William the Conqueror, who returned to end his days in the bosom of that province which he had quitted to ascend the English throne, as they were going to remove his corps, in order to deposit it with honours in the place of sepulture, a private gentleman laid his hand upon the coffin, and cried out; *I oppose the removal of William.* Of what do you accuse him? enquired the astonished attendants. I accuse him, replied the gentleman, of having taken from me my land to found upon it an abbey. The funeral ceremony was that moment suspended; the accusation was proved to be true; the land was restored to the proprietor; and the corps of William was interred in the tomb opened for its reception.

This historical anecdote was perhaps unknown to Rousseau, or perhaps he thought one single instance did not refer to the Egyptian institution. However it may be, this solemn trial of kings after their decease might still be admitted into the French constitution; and the establishment would meet with less opposition as it would have in it nothing formidable for that prince, who reigns not so much over France as he does in the affections of his faithful subjects: and in that day, which will be a day of mourning through the whole monarchy, if the monks, if the clergy should dare to surround his bier, and oppose his remains being united to those of his august ancestors, by exclaiming,

being contented with its own dominions, but seeking to play the tyrant over Sweden.

The people, wearied by misfortunes, consented to resign to their king the care of making them happy, and renounced the right of electing their monarchs in favour of the posterity of Gustavus.

This prince met with no obstacle in establishing the reformed religion but from the Dalecarlians : these very men who had borne him to the throne, and who had since been inflamed by some fanaticks, came in a tumultuous manner to insist that the sovereign of Sweden should not adopt French manners ; and that he should condemn to death such of his subjects as should dare *to eat meat on a fast-day*. Gustavus treated with much gentleness the men, whose ignorance deserved his pity more than his anger.

Mr. Sheridan has drawn a portrait of these people, which has just claim to attention.

“ They inhabit (says he) one of the most barren and mountainous parts of Sweden. Perpetual snows cover the tops of their hills, and long dreary winters whiten over their vallies too, for the greatest part of the year. Their inhospitable climate so far from furnishing any of the comforts, does not even afford what the more southern people of Europe deem the necessaries of life. For want of corn they make bread of the bark of certain trees, and of a piece with such  
“ nutri-

## C H A P. XII.

## OF THE CONSTITUTION OF SWEDEN.

**T**HE state whose constitution I am going to examine offers more revolutions of government to our view, and gives a fuller proof than any other, how difficult it is to fix a nation within limits which injustice and a fatal insensibility cannot break through.

Sweden has passed through the gradations the most favourable and the most fatal to liberty. We have seen her chuse her kings; dethrone them; unite with a neighbouring power; submit voluntarily to his yoke; deliver herself from that yoke; re-establish monarchical power; renounce the right of electing her kings; experience under their hereditary authority all the weight of despotism; reinstate herself in her original privileges; erect aristocracy in the place of monarchy; grow weary of it; and in fine consent to exist under an almost absolute power, which is her present situation.

As all political events depend on each other; and all form links in the chain; we must, in order to discover the cause of the elevation of the present king  
of

“ enjoyment of their own rude customs ; and placed  
 “ beyond the reach of tyranny, they felt not the  
 “ yoke imposed at different times upon the other  
 “ inhabitants of Sweden : but when these wanted  
 “ spirit to oppose their tyrants, the Dalecarlians  
 “ undertook the task for them. They sallied from  
 “ their rocks and forests ; they followed the stand-  
 “ ard of an Englebrecht ; they spilt their blood in  
 “ defence of Sture ; they conquered under the ban-  
 “ ners of a Gustavus.”

I have introduced this portrait, drawn by the hand of a master ; and which gives us the lively representation of a people of whom we have no idea, because I believed it could not fail of being acceptable.

When we think that it was such men who were the saviours, the guardians of liberty in Sweden, we perceive that poverty and ignorance are not so contemptible as they may at first appear ; and that the savageness of the Dalecarlians was more valuable to the Swedes than were all the lights of the clergy ; who were always disposed to range themselves on the side of tyrants, provided that those tyrants respected their privileges, and augmented their possessions,

Have not the French also had their Dalecarlians ? Was it those who suffered most from the depredations on the finances ; whose property was most threatened ; that shewed so much energy in their troubles,

redoubtable. Guided by instinct, which directs always to independence, those who made any attacks on the public liberty experienced more than once the effect of their power.

If their oppressors had been more politic, instead of endeavouring to overwhelm this fourth order with the three others, they would have pursued an opposite conduct, and by favouring the multitude, have made use of the force of that body for establishing their usurpations. But, through a singular fatality, those who are the foes of freedom always neglect to employ the means most certain of ensuring their success: and men who are the best able to maintain liberty, never take the most effectual methods of preserving it.

The kings of Sweden and the order of the peasants lived in such a state of mutual suspicion, that we find among their ancient customs one of a very singular species. Whenever the monarch passed from one province to another, the inhabitants, who were for the most part peasants, for there were then very few towns, required hostages from him for the security of their privileges; and he received two from them for the safety of his person. When subjects are thus always suspicious of some hostile intention in their prince; and he in return is fearful of their regicide ideas; there can be no ties of justice or affection between them: the latter regards the former as enemies whom he must subdue,



Nilus Sture had long been the object of the jealousy and ill treatment of Eric, although he had never given that prince the least cause of displeasure; and the king at last stabbed him with his own hand. Sture drew the poignard from his breast; kissed it, and presented it to Eric, who had the ferocity to order his guards to complete the work; and his guards obeyed him. What reflections does an act so tragical, and accompanied with such circumstances of horror, produce in the mind! A king so cruel as to strike the poignard himself into the bosom of a faithful subject! The victim of his frenzy so respectful as to kiss the bloody weapon, and return it to his murderer! The guards so vile as to transform themselves into executioners! These are objects which might inspire us with horror at royalty and its attendants, if happily they were not very rare in the histories of sovereigns; and if the derangement of reason, which occasioned such acts of cruelty, did not draw over them the veil of compassion.

This irrational prince committed another action no less atrocious; and which proves to what a height of authority the sovereigns of Sweden were arrived at that time. He caused twenty-six nobles to be massacred on mere suspicion; and the states were so degraded, that instead of deposing the author of so tyrannical a command, and punishing those who had executed it, they condemned the  
memory

“mer, on the contrary, we meet only with the remaining part of those fierce inhabitants, who perhaps, less enterprizing than their countrymen, instead of fallying forth in quest of new settlements, had continued at home contented with their native forests. These, it is to be presumed, preserved their ancient customs and government.”

The same author seems to have discovered the true cause of the degradation of the class of peasants in the more southern parts.

“Those (continues he) who had acquired new possessions, in which the former inhabitants still continued to reside, were under the necessity of devising some expedient which would enable them to guard against surprize, and secure them from the sudden attacks to which such a situation must naturally have exposed them.

“This it was that gave rise to the feudal system, which we find established by these bold invaders wherever they settled.”

“When we consider (says Mr. Sheridan) the incroaching spirit which ever attends those who are possessed of power; that here there was on one hand a body of men necessarily defenceless, while their fierce conquerors were, on the other, always armed and prepared for action: when we reflect too on the contempt in which, during those martial ages, every man was held who was not a soldier; that among the ancient Germans, who disdained every occupation but war, agri-

of making or proposing any law, *even of deliberating on any matter which the king or the regency had not communicated in writing to the senate.* The nobles, who had the exclusive right of admission to the senate, were not alarmed at this extension of its power; but the three other orders soon became jealous, and this jealousy produced such divisions and tumults, that the aristocracy lost its strength, and gave place to absolute power under queen Christina.

Thus Sweden was continually revolving in the same vicious circle. Sometimes her kings, abusing their power, provoked sedition and anarchy. The nation had no sooner escaped, by means of dissensions and civil wars, from the yoke of tyranny, than an aristocracy succeeded, which knowing as little as despotism how to set bounds to its power, or to keep well with the other orders, ended in rendering itself intolerable to the nation, which did not then hesitate to prefer the arbitrary will of a king to that of a body which they considered only as their ambitious and unjust rivals.

I shall pause here and recollect the ideas which have occurred in the course of our review of this second period of the Swedish monarchy. We have there seen the crown, become hereditary, placed at once on the head of a madman; as if it were to defeat human wisdom, and convince mankind that their best laws are not a sufficient protection from  
the

“ not prevent thy being like me, a man; but I  
“ will not consider thee as my equal: my compa-  
“ nions and I will trace out between ourselves, and  
“ thee and thy equals, a mark of distinction which  
“ shall separate us very visibly: it shall be, that  
“ thou shalt have no more consideration in the  
“ state than if thou wast not in it.”

It must be confessed, that if this is the origin of the contempt so long entertained for the class of husbandmen, they must have in the eyes of justice a better right to think themselves superior to those who despise them, and refusing to acknowledge them for their fellow citizens.

I cannot however deny that slavery has been formerly known in Sweden: but the slaves have always been few. This miserable class was formed of the enemies taken in battle; of those who had committed certain crimes; and of those who had sold themselves, which was not very uncommon: and even among people the most attached to liberty, there have always been men so imprudent as to make the sacrifice of their personal liberty to some transient want\*.

This abnegation of the first natural right, which is always followed by repentance, excited so much disorder and injustice in Sweden, that by a law in

\* This is seen in Malta, says M. de la Croix; where unfortunate debtors condemn themselves voluntarily to the state of galley-slaves for a limited time.

While this queen, still in her minority, was increasing and rendering herself worthy of being the successor of the hero from whom she received existence, the ambitious senators threw into Sweden the germ of aristocracy, which was soon stifled; but which we shall see spring up again; to be afterwards destroyed under the prince who is now upon the throne.

If the history of the nations of the earth is the volume which wise legislators ought to have always before their eyes, and consult on every occasion, it is perhaps in the history of Sweden that they will discover the most truths: one among others will strike them in every page: it is, that in order to give permanence to a constitution, it is necessary that, from the prince to the lowest of his subjects, all the members of the state should experience justice and happiness under it: that if it bears too heavily on the people, it will give birth to seditions, and banish the affection and confidence which ought to subsist between the family and its head: that, if it degrades the prince, it will inspire him with the desire of freeing himself from it, and of oppressing, in his turn, the power which seeks to crush him: that if it favours one class of citizens at the expence of the others, it will render that class odious to those who enjoy not the same privileges: that if it is impossible to perpetuate the empire

of extending his authority, and diminishing that of the nobles.

He perceived that although the nomination to the dignity of senator and to the great offices of the kingdom made part of the royal prerogative, it had contributed but little to augment the power of his predecessors; because the senators and great offices when once named by him, could not be removed but by the senate, which entirely extinguished their gratitude, and determined them to shew themselves very zealous opposers of the monarch, whenever he made any attempt against the **privileges** of a body on which depended their continuance in office.

Magnus was induced by this to form the bold design of confiding to foreigners some of the principal offices of the state, and even of introducing them into the senate, under pretence that, as he had married the daughter of the Duk of Holstein, it was necessary to confirm the bonds between him and the power with whom he had formed an alliance.

The nobles began to murmur at such an infringement of their privileges: but not finding their strength sufficient to contend openly against the will of a monarch beloved by the three other orders of the state, they formed one of the basest designs that weakness ever suggested to bondmen.

## C H A P. XIII.

CONTINUATION OF THE CONSTITUTION OF  
SWEDEN.

I HAVE now run through all the revolutions which Sweden has experienced in its government, from the first accounts we have of the monarchy to the reign of Christina, whom we left in a fair promise of displaying to advantage on a throne, all the amiable qualities which she received from nature.

I have shewn that the authority acquired by the senate in consequence of the plan of constitution presented to the diet by the minister Oxenstiern, as the work of Gustavus, was the cause of dissensions between the noble order, and the orders of burgeses and peasants: and that the sovereignty of the nation became so enfeebled by those dissensions, that the royal power found no difficulty in triumphing over it; and that thus Christina arose to arbitrary authority.

This princess to whom a liberal education had given a taste for the sciences and the fine arts; who corresponded with all the celebrated men in Europe, and wrote to each in his own language; who called Descartes to her court, and had the glory of affording a retreat

too young to have any knowledge of governing.

This king, who blotted his reign by the death of two of his brothers, rendered himself so odious to his subjects, that they deposed him.

Magnus, the grandson of Ladulas, twice experienced the same fate, and inspired his subjects with a resolution which can only be produced by despair: it was that of applying to some foreign prince, who by means of his forces should deliver them from their oppressor, and ascend his throne.

The choice made by the Swedes on this occasion did not answer their hopes: it fell on Albert, second son of the Duke of Mecklenburg, who being proclaimed by the malecontents, seized upon Stockholm, and was afterwards acknowledged as their king by the whole nation.

It might be supposed that a foreign prince, who had received a crown to which he had not any right, must feel no sentiment but gratitude, no desire but that of conferring happiness on the people who had voluntarily called him to reign over them. But Albert shewed himself the most ungrateful, the most perfidious of sovereigns: he granted places and senatorial dignities to none but Germans: he maintained an army of foreign mercenaries by means of the most oppressive taxes; and pushed injustice and baseness to such an extreme as to demand



The character of this warlike prince was much more congenial with that of his subjects; and soon after his elevation to the throne he led a victorious army into Poland, which he conquered.

Forced to return into his own dominions to repel an invasion made by the Danes, he astonished the enemy by a march which was unexampled in history. He took advantage of the rigour of the season, and opening a way to glory over the foreign seas, he passed from island to island, following by a land army until he arrived at Copenhagen. This bold enterprize restored to Sweden the province of Schonen of which she had lost possession for three centuries.

Before I pass to the reign of Charles X. I ought to mention two circumstances relative to queen Christina.

M. de Voltaire seems to attribute to her much merit for abdicating a crown when only twenty-seven years of age: "It was (says he) the greatest proof of the real superiority of the arts, of politeness, and of refined society, over that grandeur which is mere grandeur only."

I cannot concur in the opinion of this writer. A princess who was equal to the wearing of a crown ought to have made her true glory consist in fulfilling her sublime mission. Whatever attractions the fine arts might have had for her, it had been more worthy of the daughter of Gustavus Adolphus to have studied, even to the moment of her death, the welfare of her people, than to sink into an eclipse in Italy, for the sake of admiring there the chefs-d'œuvres of art,

It was in vain that the Swedes stipulated by this treaty, intended to unite two people always enemies, always at war with each other, that they should preserve their laws and their privileges; that the subjects of Denmark and of Norway should not be admitted to posts of honour or of profit in Sweden; for not one of these conditions were performed by the successors of Margaret; who, after uniting three crowns upon their heads, studied only how they might humiliate the Swedish nobles; remove them from all concern in public affairs; subjugate the people; crush them down by the most arbitrary taxes; and attach the clergy by the bonds of interest to the domineering tyranny.

This unhappy people, who found themselves despoiled of every thing, became divided through rage into different parties; and weakening their force by intestine wars, rendered themselves incapable of emerging from servitude.

Distracted by the persecutions they experienced, the people were in a state of continual frenzy: they ceased to acknowledge the king of Denmark for their sovereign: and after having given the crown to the grand marshal, they took it away, and again restored it: they were a second time on the point of tearing it from his brow, when he died upon a throne all the avenues of which were ensanguined  
by

py by quitting those *good things* which she speaks of herself as *holding from fortune*? Why should she *pretend to the empire of the world if she had been sure of succeeding*? Would it not have been enough to have governed well the state of which she was chief? And was she not exposing herself to the certain danger of ill governing the world by the ambition of conquering it?

Though I have taken the liberty of blaming the eulogies bestowed by M. de Voltaire on Christina for being raised, as he expresses it, above the grandeur of a throne, I readily agree with him, when he says, with the impartiality which characterises a historian, that “that princess sullied all her glory by the murder of “ Monaldeschy her attendant, assassinated by her order “ at Fontainbleau.”

“ No one (says M. de Voltaire) should be put to “ death but by the laws: Christina would not in Swe- “ den have had a right to assassinate any person; and “ certainly that which would have been a crime at “ Stockholm was not allowable at Fontainbleau.” “ Those who have justified this action, deserve to be “ under such masters.”

It is in these reflections that the philosopher again shews himself the friend of the laws, and the defender of humanity.

But to return to Sweden. The order of the burgeses and that of the peasants had lost since the reign of Gustavus Vasa that energy, that turbulence, which formed

young Gustavus Vasa was not one of the victims in this shocking butchery.

How many princes, less guilty than Christian, have perished under the most dreadful punishments! how many ministers, less criminal than Archbishop Troll, have expiated on a scaffold those abominable counsels which had provoked divine Justice to devote them to an infamous death: yet Christian was obliged to descend peaceably from the throne which he had defiled by his crimes, and Troll died like a hero by the wounds he received in a combat.

Before I enter on the new period which I mean to run through, I shall stop a moment to consider what I have already observed.

We have seen a people, situated in the extremity of the north, who had long preserved their privileges: their kings were elected by all the orders of the people: a senate was at once the depositary and the executor of the laws: the prince had his domains, and ought never to require imposts without the concurrence and the will of his subjects: his revenue was so moderate, that he seemed to possess no means of usurping absolute authority: the senators and great officers, once appointed by him, could be displaced only by the senate: and, consequently, could have no interest in favouring his usurpations. We must add to these facts, that they were in Sweden unacquainted with the right of elder-ships, and with entails: and that all property be-  
ing

“security, the prosperity, or the wants of the kingdom, we will neither make any or suffer any to be made without the advice of the senate, or without the participation and concurrence of the states.”

If kings who have despotism in their thoughts paid any regard to the oaths which they take before they mount the throne, Sweden had never been more assured of enjoying the advantages of an equitable and well-explained authority than under Charles the XIth: yet their privileges were never more violated: justice was never more infringed; and never was the power of the senate and the states more degraded than under the reign of that prince. Alas! let us not confide in the oaths of monarchs, but rather place our confidence in the goodness of their hearts when it is known, for that is the true guarantee of their administration. The French have at this moment that certain guarantee of a mild and beneficent authority. I rely more on the virtues of a prince who has renounced all the pomp of royal dignity, when it must have been burdensome to his subjects; whose taste, whose pleasures, have been as simple and as pure as the affections of his mind; who has always expressed himself with frankness; who has not dissembled the errors of his inexperience; but made us regret that ministers had too frequently led his authority astray, by giving us proof how docile he would have been to wise advice, if they had never given him any other.

Yes

disarm two rival nations of their enmity, and unite as one people Denmark, Norway, and Sweden. An illustrious princess subscribes to the conditions she had herself dictated, for delivering the Swedes from the ungrateful oppressor, who was not ashamed of demanding one third of their revenues. But scarcely was Abert expelled from the kingdom before a multitude of foreigners, in contempt of the treaty, occupied the senate; filled all the offices of the state; and practised tyranny in all its excesses.

Perhaps there existed in Sweden some causes for all this injustice. It is my duty to examine; as a means of discovering what prevents the effect of the best ordered constitutions.

We have seen that the Swedish nobles were poor: that the monarch after having conferred dignities on his favourites, could do them neither good nor evil, because he had not the power of depriving them of what he had bestowed: and that so far from binding them to his interest by these favours, he saw them unite against him with the other members of the senate, of which body they were become a part.

We have seen that the first kings of Sweden, in order to reward their courtiers, and attach them to their interest, were obliged to relinquish to them, from a want of places to bestow, a portion of the royal domains; by which means they impoverished them-

only effect by increasing the royal authority at the expence of that of the senate. They accordingly passed a decree in favour of Charles: in virtue of which he was empowered to reunite to the crown all the lands which had been alienated from it since the year 1609.

This decree, which was rigorously executed, plunged at once great part of the nobles into extreme indigence; and though there were at first pensions of near fifteen hundred livres granted to those who had been deprived of their possessions; in the next diet even that small indemnification was withdrawn. It was in consequence of this privation that a number of nobles, and orphans of noble families, who were reduced to wander about the streets of Stockholm, went to the gate of the palace; where obtruding their groans of distress, the queen afforded them all the relief in her power. This generous and feeling princess not only exhausted her treasury to supply the wants of these unhappy sufferers, but even sold for that purpose her jewels, her trinkets, and even her clothes; and when she had nothing left to give, she cast herself in tears (says M. de Voltaire) at the feet of her husband, and intreated him to take compassion on his subjects. *Madam,* replied the inexorable Charles, *we took you to give us children and not advice.*

No one good act could be hoped for from a prince capable of making such a reply: he was unworthy of being either a king, or a husband, who could remain  
 infensible

apply to, but it had its dangers. The nobles who had nothing, demanded assistance from the crown: the order of peasants, composed of hunters, miners, and husbandmen, had very little, and were not willing to have that little taken away: the clergy, whose possessions had been increasing from age to age, had much, and contributed nothing. By laying a moderate tax upon their wealth, in order to attach the nobles, and avoid inquieting the two other orders, was running a risk of being stigmatized as impious and sacrilegious: but these are injurious epithets sometimes united with the title of a sovereign, with that of a great king, without being able to hurl from his throne the prince who has the nation on his side.

The son and grandson of Magnus knowing neither how to practise œconomy nor to brave the murmurs of the clergy, made war with the most numerous, the most turbulent part of their subjects; and by requiring subsidies from misery, they drew upon Sweden all the tempests, all the misfortunes which accrued from the placing of Albert on the throne, and from the treaty of Calmar.

We see in this retrospect all the causes of the evils which Sweden experienced, notwithstanding her having a constitution very wise in appearance: so true it is, that the welfare of a people is not to be ensured by a good constitution



thus forging chains for itself, and establishing despotism by law.

“ The two sovereigns of the North (continues the same writer, in speaking of Sweden and Denmark) whose authority had been the most limited, became the most absolute monarchs in Europe; but the means which conducted them to that degree of power, although followed by the same effects, were directly opposite to those which have served to augment the authority of princes in other countries. There it was the monarch who endeavoured to raise the people in order to balance the power of the nobles: in Sweden and in Denmark it was the people who fought to debase the nobles in order to reduce them to their own level. In the former the people and the crown gained what was lost by the nobility; in the latter the king alone was the gainer, and the condition of the people continued the same.”

These ideas, which abound with wisdom, demonstrate to us the danger to which a nation is exposed whenever the multitude suffer themselves to be hurried away by their fury and jealousies: there always comes a moment in which despotism, availing itself of their hatred and their passions, and taking advantage of the weakness of the state, exalts itself above all laws; breaks with its feet of brass all constitutions; tramples on oaths; and beholds its subjects, crushed down or dispersed by terror, daring no longer

maintain this numerous part of the nation in a constant state of tranquillity, and to inspire them with respect for the constitution.

The order of burgessees subsisted wholly on the fruits of a very languid industry. For strengthening this order, and weakening insensibly the order of the peasants, it would have been prudent to encourage industry, and to furnish the burgessees with the means of extending it. Was it by overloading the merchant with taxes, that they could expect to draw into the towns, and to a participation of mercantile employments, the peasants who took refuge in the mines and forests at the approach of a tax-gatherer?

Places and dignities were reserved for the nobles; it was therefore necessary to attach much honour to both; but to attribute to them likewise profit and exemptions was to augment the regrets of the people, and make them seek to avenge their humiliation.

The clergy, by enriching themselves with property which increased in value, and which was exempt from imposts, must become in time the most opulent order; and one of the most burdensome to the state: it was evidently but just to make them contribute in proportion with the increase of their riches to the public expences: if they murmured, the imposts should have been raised amidst their murmurs: if they had sent forth excommu-

place sufficient confidence in the knowledge and experience of a prince aged only fifteen years, to hope that he would maintain such absolute power? No; but he believed that by not trusting him with the reins of government until he was eighteen, he would hold them with a more determined hand.

Charles the XIIth was born with passions much too strong to remain undeveloped until the usual time of their appearance: he had scarcely entered his sixteenth year when he evinced his desire of command; and caused, by the intervention of the states, the regency to be taken out of the hands of his grandmother. But I shall not dwell upon a reign with which every person is acquainted. A historian who is become the rival of Quintus Curtius, has painted to us in the most brilliant colours, a prince to whom nothing was wanting but the prudence of Alexander for acquiring the same celebrity.

Charles the XIIth was less the monarch than the general of the Swedes: his orders were confined to demands of men and money; but he made these demands in a manner so imperious, and excited an admiration, so irrational, of all his enterprizes, that his subjects seemed to have become the adorers of some new Thunderer; and liberty had been forever annihilated in Sweden, if an excess of misfortunes had not awakened the inhabitants to reason.

Insensible to every tender sentiment, Charles the XIIth died without posterity; and by the loss of many provinces,

casting upon them the whole burden of the imposts.

Christian II. believed that he should reign in peace, after having cut the throats of all the Swedish nobles : but a prince capable of such an atrocious deed, was not likely to give happiness to the other orders of the state. The event was his losing both the crowns of Sweden and Denmark : and, after making himself acquainted with the decree which deposed him, he shamefully took refuge in the dominions of Charles V. his father-in-law ; who not being able to re-establish him on the throne, suffered him to die in prison.

We must deduce from the facts we have been considering, that neither the first kings of Sweden, nor the foreign princes who were called to reign in their place, would in general have experienced unfortunate ends, if the Swedish constitution had assigned them a sufficient and certain revenue : or if they had themselves known how to alleviate the misery of the most numerous orders, by directing their demands towards the only order of the state which was able to administer to their wants.

I shall now pass to the second period in the Swedish history.

The Swedes, grown weary of the dominion of the Danes, had raised to the throne the Marshal de Catnufon, who knowing neither how to be a king nor a subject, received and lost the crown three

“ nounced for herself and her posterity all absolute power, as well as all the prerogatives of the crown which should be incompatible with the liberty of the nation.”

The states took advantage of this circumstance for extending their dominion; and reducing, within very narrow limits, the royal authority which was bestowed on Frederick.

They decreed, among other articles, that “ if the king, or the senate, should neglect to assemble the states every three years, they should have a right at the expiration of that period, counting from the last diet, to assemble of themselves; and that all which the king or the senate might have done in the interval, should be regarded as null.

“ That during the holding of the assembly, the authority of the king and of the senate should remain suspended; and that they should have no part in what was done in the diet, except affixing their seals to, and signing the decisions, whether they were satisfied with them or not.

“ That the states should alone possess the right of declaring war and making peace, and of changing the standard of money; that wherever a vacancy occurred in the senate, the states should present three candidates to the king, who should be obliged to choose one of them; so that if a senator should die in the interval between two diets, his place could not be filled until the next assembly of  
“ the

selves under his command, in order to avenge their wrongs. After procuring for them fuses and ammunition, he accustomed them to the use of gunpowder, that they might be able to contend with the Danish army: and these men, as courageous as they were savage, having triumphed over the Danes, and over the opposition of the clergy, assisted Gustavus to mount the throne. The whole nation soon acknowledged him for their sovereign; and Frederic, the successor of Christian, who dreaded the return of the tyrant, instead of renewing his pretensions to the crown of Sweden, fortified himself on the Danish throne by an alliance with Gustavus.

The new king having nothing more to fear from Denmark, and no contention with the nobles of his own country, who had been for the most part exterminated or dispersed by the ferocity of Christian, found himself more powerful than any of his predecessors; and the clergy, rendered odious by having always favoured the kings of Denmark, whose bloody oppressions they basely seconded, had so entirely lost their influence over the two other orders, that they zealously embraced the reformed religion.

Thus an excess of iniquity led to a happy revolution in this state, so long ensanguined by civil wars; the clergy, for not acting the part of citizens, lost that religion which was the source of their property; and Denmark lost its power, by not

His person was sacred; so that whoever failed in respect towards him, either in writing or in words, incurred the pain of death.

He was the only visible source of honours; that is, he alone could create counts or barons, or introduce new members into the chamber of nobles; but this privilege was under many restrictions.

He alone could pardon a criminal after sentence had been pronounced: but the senate was authorized to dissuade his majesty from employing this prerogative; and their dissuasion was sufficient to invalidate the resolution of his majesty.

In fine, the king, in the intervals between the diets, divided the executive power with the senate; and he had a privilege beyond the other senators of giving two votes, and his opinion was to decide on any occasion where there should be an equality of suffrages.

Such were the conditions upon which Ulrica Eleonora consented to receive the crown, and to share it with her husband.

Never was royalty cast down from a greater excess of power to a more confined authority than by this new constitution: but were the people rendered more happy by it? Did the states employ for the prosperity of their country the sovereignty which the nation had thus recovered? The events which succeed must resolve these questions.

“ nutriment is their whole mode of living. Every  
“ Dalecarlian renders to himself all those offices,  
“ which it is the province of different trades to sup-  
“ ply in other countries. He makes after his own  
“ rude fashion whatever is requisite for his cloathing;  
“ the homeliness of which corresponds with the  
“ poverty of his diet.

“ Ignorant of all those inferior arts which ad-  
“ minister to the conveniencies of life, and the na-  
“ ture of their soil prohibiting agriculture, these  
“ people chiefly follow the laborious occupation of  
“ miners. Thus inured from their infancy to hard-  
“ ships of every kind, the Dalecarlians form per-  
“ haps the most robust and hardiest race of men in  
“ Sweden. If they are unacquainted with the re-  
“ finements of more polished societies, who dwell  
“ in gentler climates, they are likewise free from  
“ their vices. They have ever retained their pri-  
“ mitive simplicity of manners. Humble, yet  
“ brave, they are patient of labour, but not of op-  
“ pression: submissive where they think submission  
“ due; intractable where they conceive authority  
“ to be usurped. Generous and romantic in their  
“ untaught notions of honour, and possessed of that  
“ spirit of enterprize which commonly accompanies  
“ great courage, they have been perpetually vo-  
“ lunteers in redressing grievances, by which they  
“ were themselves but little or not at all affected.  
“ Secure in their mountains, they were left to the  
enjoy-



pellations, that history has been obliged to adopt them, though beneath the dignity of its style.

The first and most enormous fault which the *chapeaux* were guilty of, was the drawing Sweden into a war with Russia; and choosing, for that bold enterprise, a time when the Russians were at peace with the Turks, and consequently would be able to bring the whole power of their arms against the Swedes. This war was, as might be expected, productive of the most unfortunate consequences; for the Swedish army was destroyed in Finland; and the states saw themselves reduced to the shame of soliciting peace on any conditions which Russia might please to impose.

Ulrica Eleonora dying without children, the states named for her successor Frederick Adolphus, who accepted the title of king on condition of leaving all the authority in the hands of those who gave him the crown.

It certainly would not be an unpleasing sight to behold a king confined in his dominions to the mere external show of majesty, if, under the sanction of that august phantom, a powerful and enlightened body should govern with wisdom for the public interest, and work out the public good. If such a king is endued with a benevolent mind, by being a witness to the prosperity of his people, and seeing them happy, he enjoys every thing which is necessary to his

his

troubles, and exposed themselves the first to the danger of a courageous attack ?

Unhappily, the populace, ignorant and impetuous in their seditions, are every where the same : they become the support of the first who seize upon them ; and fanaticism, or tyranny, when they have the art to seduce the multitude, make of them a dreadful instrument of vengeance and oppression. Gustavus Vasa, attached them to his glory, as he had interested them in his misfortunes ; and in the end he made them approve of all his reforms, and establish his authority so high, that no prince was ever more beloved, or more absolute than he continued to his death.

The treaty of Calmar had, as we have seen, been annulled, and the crown rendered hereditary in Sweden : but this regulation, which ought to have preserved the state from the troubles which accompanies the elections of kings, placed by an unhappy fatality a weak prince upon the throne. Eric, the eldest son of Gustavus did not possess any of the qualities of his father ; and he was besides subject to excesses of frenzy, more dreadful than those experienced by Charles VI. one action of his, which I cannot mention without sorrow, proves how pliant, how respectful, the nobles of Poland were become towards their kings since the accession of Gustavus.

Nilus

prising the king and queen of the means of seduction, to insist upon a right which they pretended to have, in consequence of an ordinance made in the year 1723, of examining what diamonds, and other rich moveables, belonged to the crown.

The queen with much dignity opposed a pretension by which she felt herself offended: she refused to submit to the inspection of commissioners the diamonds which she possessed from the generosity of her father; and declared that *her intention was to separate them from those of the crown, which she should in future deem it humiliating to wear.*

The states applied to the king, and insisted upon justice being done them for the queen's refusal, and for the terms in which it was conceived; and her dignity was obliged to yield to this indecent inquisition. From that time the court experienced nothing but contradiction and mortifications from the states: they pryed into every thing that passed there, and they exercised such disgusting despotism as to insist on the dismissal of the sub-governor of the king's children, under pretence that the office was superfluous; and they not only dismissed the prince royal's preceptor, but forbid him any intercourse with the young prince; and this without assigning any reason for the measure.

Willing still further to reduce the royal authority, to render it absolutely nothing; and to make of the king a mere puppet dressed up in the ensignia of majesty,

memory of the twenty-six nobles whom they had not dared to impeach while they were living.

This unworthy son of Gustavus Vasa was going to defile himself with the blood of his brothers, when Duke John, who had been already condemned to death, escaped from his prison. He immediately joined with his other brother, made the nobles and the states sensible of their situation; and the maniac, who had threatened their lives, was deposed and put into confinement.

Duke John received the sceptre which was torn from the hand of Eric: he afterwards espoused the daughter of Sigismund, king of Poland, and mounted the throne of that republic, which lost to his son the crown of Sweden, and occasioned the placing it on the head of Charles, the younger brother of Eric, who conciliated the love of the Swedes, by opposing the design formed by the king of Poland, of restoring the Roman catholic religion in Sweden, which had been banished from thence by Gustavus Vasa.

It was at this period that the Swedes recovered some part of that sovereignty of which they had been deprived by the two preceding kings. If the reason of Eric had not been deranged; and if, pursuing the steps of Gustavus, he had shewn himself the heir of his wisdom, as he was of his power, he would have transmitted to his descendants, such arbitrary authority as must have effectually destroyed

prising the king and queen of the means of seduction, to insist upon a right which they pretended to have, in consequence of an ordinance made in the year 1723, of examining what diamonds, and other rich moveables, belonged to the crown.

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 majesty,

All the forces of the empire could not resist the hero of the north, who lost his life in the bosom of victory.

The blow which felled Gustavus made all Sweden tremble; and it would not have been extraordinary if it had overturned its constitution, and changed the spirit of a people who were, under their warrior king, become a nation of warriors: for it is not in the midst of feats of arms, and when every individual is ambitious of laurels, that men give themselves time to think of their rights, or of setting bounds to the authority of a triumphant king: the partners of his glory, accustomed to see him level all obstacles, deem it honourable to assist him in surmounting them.

Gustavus Adolphus leaving no heir but Christina, Sweden was in danger of becoming subject to the power of that aristocracy, which was increasing in the senate during the minority of the young princess. It was in that minority that the minister Oxenstern proposed to the assembled states a form of government, which he said had been projected by Gustavus, and which was accepted and ratified by the diet.

One of the articles of this system might have been sufficient to make the diet reject it, by proving that it was the work of some members of the senate. This article deprived the states of the right  
of

that powerful aristocracy which became every day more formidable. It was indeed a melancholy spectacle to behold the intrigues; the dark underhand schemes; and the various means of corruption which were employed by Russia, France, and England, to gain the command of the diets, and reciprocally counteract each other's designs.

France, by drawing Sweden into wars, sometimes with Russia, sometimes with Prussia, exposed that country not only to defeats, but to an oppressive load of expences; towards supporting the weight of which, the paltry subsidies which she granted afforded no aid. Whenever a diet was to open, the agents of the three courts were employed to introduce into it as many as they could of those whom they knew to be devoted to the party of their respective sovereigns.

The ascendancy of France was long maintained in Sweden, by her threatening to pay no more of the arrears which she owed, if the Swedes should conclude a treaty with either Russia or England: and though they would certainly have gained much more by sacrificing these arrears, which amounted to ten or twelve millions, yet, in a country where money is very scarce, the sum appeared so immense, that the party adverse to the French interest was afraid of incurring the anger of the whole nation by risking such an enormous loss.

After ten years of intrigues, and of playing off every

the misfortunes and injustice attached to their institutions.

We have seen two rival brothers contending for the throne of their father: the one aided by the forces of Poland, of which he was become the chief: the other supported by the will of the people, who feared to see a religion re-established, which they regarded as the cause of all their former calamities.

Under the influence of this error, Gustavus Adolphus received the crown, which the laws of consanguinity decreed to the son of the king of Poland. The sceptre, in the hands of that warlike prince, was converted into a staff of command, by which the Swedes were conducted against an emperor who sought to establish intollrance in the states of Germany. All at once a nation, almost buried under the ice, burst upon the view of astonished Europe, and took part in the famous treaty of Westphalia, in which the articles most favourable to the princes of the empire were dictated by that nation.

Adolphus, who died the death of a hero, left only one daughter to be the heir of his throne and of his glory. The Swedes, who respected the law established by Gustavus Vasa, which rendered the crown hereditary, did not hesitate in placing it on the head of the only offspring of a house made illustrious by two illustrious sovereigns.



to the will of the senate: it was therefore indispensable to bring about some circumstance, sufficiently serious and important, for obliging the senate to convoke an extraordinary diet.

We shall soon see what resource the policy of the French minister found on this occasion, and be enabled to judge by it of his ascendancy over the court of Sweden. He persuaded the king to notify to the senate that "touched by the heavy taxes with which the people were overburdened, his intention was that the states should be convoked; and that, if the senate refused to convoke them, he would abdicate the crown, and forbid the use of his name in any resolutions of the senate."

A declaration so unexpected disconcerted the senators, who knew the attachment of the people to the king: they therefore endeavoured to make him change his resolution; but he persisted in it, and demanded a decisive answer in twenty-four hours.

On the next day but one the king went to the senate, and personally repeated his demand of a decisive answer. The senators urged the impossibility of examining, in so short a time, all the reasons for and against the convocation of an extraordinary diet: and the king, after declaring that he took this answer for a refusal, arose and quitted the senate.

On his majesty's return to his apartment he sent the prince royal, accompanied by many officers, to the college

pire of fear, every constitution, which commands obedience only by the influence of that sentiment, will necessarily be destroyed in time. In fine, that the only means of rendering such an establishment durable, is to make it call forth emulation and affection, and ensure the public prosperity.

the war was carried on by ministers who, though they did not shed any blood, spread around them abundance of money. If the courts of London and Petersburgh had been as prodigal of their treasure as that of Versailles; it would have been the best policy which Sweden could have pursued to keep the combatants as long as possible contending for the victory, since the state was enriched by their rivalry: but Russia and England sought nothing more than the advantages of commerce and alliance with Sweden; it was France alone that made her gold glitter, and distributed it amongst her faithful *châpeaux*; who were become too corrupt to resist, in any instance, that powerful means of persuasion.

The duke de Choiseul, whose object was to make an alliance between the Turks and the Swedes, and to induce the latter to invade Russia, while that power was threatening the Porte, could not however accomplish his project, of inducing the states to cede to the king and senate, the right of making war and peace, and of concluding alliances, in the absence of the diet: consequently, he failed in getting a Swedish army sent into the dominions of the Czarina: and thus all the fruit he obtained from the sums which he circulated in Sweden was, the removing a senate favourable to the two courts which were the rivals of France, and preventing the effect of the treaty of commerce which had been signed in 1746.

to that philosopher after one had been refused him in France: this princess was formed to reign over a very different people from those of Sweden; in whose rude climate the muses seemed to disdain an abode. The wars in which Gustavus Adolphus had engaged the Swedes, only rendered them more ferocious; they breathed nothing but conquests: they paid no regard to the exercises of reason: and disdained those delightful amusements of the mind which diffuse so many charms through life.

Christina from the elevated sphere of a throne cast her regards on Italy; and saw, not without the desire of a more intimate acquaintance, that beautiful country, now become the sovereign of the arts as she had formerly been of the universe. Her subjects, whom she could not inspire with her thoughts and her affections, appeared to her a nation of savages, and she formed the design of abandoning them to their ignorance, and living for *herself*. M. de Voltaire says, that *she entertained this courageous design for seven years before she carried it into execution.*

Monarchs who have so little regard for their people as to desire a separation, and prefer the obscurity of a subject to the glory of sovereignty ought not to be regretted: yet when Christina announced to the states her intended abdication, she found from them a resistance to her design which was very honourable: she however persisted; and Charles the Xth ascended the throne which Christina had voluntarily quitted.

livered up his people to the calamities attending a vile and corrupt administration.

What a train of reflections arise from these facts, on which I thought proper to dwell more particularly, because they are different from any with which history presents us.

We have here seen the royal power exalting itself in Sweden, from the accession of Christina to the death of Charles the XIIth, to the highest degree of sovereignty; and we have seen, under the reigns of Ulrica, and Frederick Adolphus, that power decline into extreme weakness, and the nation recover from the crown all the rights which it had lost since the days of Gustavus Vasa. We have also seen another power start forth all at once during the holding of the states, and transform itself into an order of senators. But were the people more happy under this new power? No: aristocracy has been as fatal to Sweden as the the most absolute monarchy: and the Swedes have had the humiliation to feel that, after establishing in themselves alone the right of making war and peace, and of breaking and forming alliances, it was not they who either declared war or made treaties, but it was a foreign power who exercised over them these acts of sovereignty, by rendering itself master of those with whom the nation had deposited its authority. Thus, under the aristocracy, Sweden retained no appearance of that glory which had been communicated to her by the  
impetuosity

art: or to come into France, to expose herself to the curiosity, and to the frivolous censure of the women in the court of Lewis the XIV.

No sovereign has a right to abdicate a throne, but when weakened by years they find their hands too feeble to support the weight of a sceptre, and bear the reins of government: then abdication becomes not only a noble act, but a duty; and gives a glorious termination to an honourable reign: but for a monarch to abandon a throne while he possesses the power of doing good upon it, is to render himself responsible for all the faults of his successor: it is tearing from his subjects all the virtues which he might have displayed for their benefit. In fine, it is wrapping himself up in his good fortune, and living only for himself when he ought to live for all his people.

Christina says, in a letter to the prince of Condé, “ If you should condemn this action, I told you in “ excuse for every thing, that I should not have “ quitted the good things which fortune had given me “ if I *believed* them necessary to my felicity: and that “ I should have pretended to the empire of the world, “ if I had been as well assured of success or death as “ would be the great Condé.”

This was expressing herself like a great queen towards a hero; but there is no justice in her words. Was it only *her felicity* that she ought to have consulted? Did she consider that of the Swedes as of no account? Was she sure of rendering them more hap-

their finances into better order. A good prince, who desired nothing but to live in tranquillity, has been tormented, shaken upon his throne, and brought to the very point of abdicating it to gratify his ally. Torrents of blood have been poured in contending for uncultivated deserts, or the empire over a lawless banditti, while the power of Russia has become more redoubtable by the success of her arms.

What has been hindered by this prodigious influence in the north, of which the ministers of France were so vain? Has it prevented the partition of Poland, and the aggrandizement of three rival powers? No; it has served to accelerate those events! Yet what millions has it cost France to gain this boasted influence! What precious moments have been employed by it, and stolen from the internal business of the kingdom! If the immense sums which she dissipated in Sweden and in Turkey, had been employed in reclaiming her uncultivated lands; in scooping out canals; in softening the condition of her soldiers; and in bringing her manufactures to perfection; would they not have promoted her real interest more certainly than all the money she has wasted among strangers? If France had never intermeddled with the government of Sweden, it would have been better for both kingdoms; the former would have been more rich, and the latter more happy.

The

formed the safeguard of the constitution: yet at the death of Charles the Xth, the states performed an act of sovereignty which declared them sensible of their power: they removed duke Adolphus, brother of Charles, from the guardianship of the young king; although he had been appointed to that guardianship, and to the regency of the kingdom, by the testament of the deceased king. They gave as a reason for this procedure, that the testament which named Adolphus to these offices had been made without their knowledge; and that such arrangements as related to the government of the kingdom, could not be valid without the consent of the states.

When Charles the XIth assumed the government, they required from him an oath which informs us how the Swedes desired to be governed, although as Mr. Sheridan remarks, they did not know how to confine their monarch within the limits they wished to prescribe him. The oath was conceived in these terms:

“ We will equally maintain and observe all which  
“ the laws of Sweden require of us with respect to the  
“ states in general and in particular. We will conduct  
“ ourselves in the same manner with regard to all our  
“ subjects and to each individual in what concerns  
“ their rights, their privileges, and their property  
“ legally acquired. Willing to satisfy the nation as  
“ much as it depends on us, if it should be necessary  
“ to make any changes relative to the defence, the  
“ security,



## C H A P. XIV.

## OF THE REVOLUTION OF SWEDEN IN 1772.

**O**F all the revolutions which the constitution of Sweden has experienced, the most extraordinary, and the most deserving of attention on account of its plan, its execution, and its consequences, is the one I am now going to consider.

What I have said concerning the situation of this monarchy since the death of Charles the XIIth, must still be fresh in the remembrance of the reader: he will recollect that the nation, after having bowed its humbled head before the power of two despots, had again exalted her sovereignty from the bosom of misfortunes, and given the crown to two foreign princes; who consented to wear it, on condition of reigning only under the empire of the laws, and of a diet, whose presence alone could suspend their authority.

We have seen the father of the present king forced to condescend to all the demands, to all the pretensions of these states; and even his paternal authority obliged to give way before that of a most oppressive aristocracy.

How

Yes I would place more faith in these valuable qualities than in all the oaths of despots.

“ Charles the XIth, (says M. de Voltaire) a warrior like all his ancestors, was more absolute than they had been; and abolished the authority of the senate, which was declared the senate of the king, not of the kingdom. He was frugal, vigilant, and laborious: just such a prince as would have been beloved by the Swedes, if his despotism had not transformed all the sentiments of his subjects into the single one of fear.”

This is all that a historian who only writes down events in a rapid and animated style has said on this subject, but whoever is desirous of searching out the cause of the changes which have taken place in a constitution, must go deeply into their history; it is there that he must find the object of his researches.

The regency had plunged the Swedes into an expensive and useless war. In order to acquit the debts which the state had contracted, it was necessary to lay very heavy taxes on the people. The senate, composed of nobles, had spared the body of nobility in assessing these taxes by which they excited murmurs and demands which every day increased, and produced jealousies, hatred, and divisions. The two orders of the peasants and burgeses, blinded by their resentment, believed that they should derive more happiness from reducing the nobles to their class, than from ascending themselves to theirs, and this they could

only

*according to the laws of Sweden, without aspiring at the least augmentation of power.* Thus was an artful monarch duped by the frank air of this young prince who was going to ascend the throne.

He who already knew how to deceive the king of Prussia and beguile him of his approbation, might very well be able to defeat the designs of the old senators, and gain the confidence of the citizens. But I will give the portrait of this prince as it is drawn by the pen of Mr. Sheridan.

“ Gustavus the Third was about five and twenty  
“ when he was proclaimed king of Sweden.

“ From his mother, the present queen dowager,  
“ sister to the king of Prussia, he seems to inherit the  
“ spirit and abilities of his uncle; from his father, that  
“ benevolence of heart, which still renders the me-  
“ mory of Frederick Adolphus dear to the Swedes.

“ Born with talents that would have reflected lustre  
“ on any rank, but peculiarly suited to the exalted  
“ one he was destined to hold; his natural endow-  
“ ments were cultivated to the highest pitch, by an  
“ education the most finished, and most nicely adapted  
“ to a situation, which would probably one day re-  
“ quire their fullest exertion.

“ By a graceful and commanding oratory, the  
“ most captivating manner and insinuating address, he  
“ caught the hearts of those who beheld him only in  
“ public; by an extent of knowledge and depth of  
“ judgment, he excited the admiration of such as  
“ had-

insensible to the sweetest of sentiments—to that of benevolence. The subjects of such a prince could expect nothing but to groan under a sceptre of iron, if they had not courage to wrest it from his hand. But the Swedes were very far from forming any such resolution; and having no other object, no other desire but to gratify their animosity against the nobles and the senate, they passed a decree in these terms:

“ The states have resolved that the forms of government, with the additions which have been made to them, shall be no more considered as *binding the king*; but he shall have the power of changing them according to his will and his good pleasure, and as shall be necessary for the welfare of the kingdom. That he shall not be obliged to follow any form of government, provided that he confines himself to governing according to the laws and statutes of the kingdom. That if he governs with the consent of the senate, it shall be considered as done only with his own free will; and in virtue of his good and just discernment; in such manner that his majesty in quality of king, invested with the supreme power of governing his kingdom, shall conform to the laws and statutes as to those of an inheritance which he holds from God; and shall be accountable for his actions only to himself.”

What tyranny (exclaims Mr. Sheridan) does a nation deserve to suffer which has been capable of  
thus

A new diet was convoked in which the two parties which had divided the last, shewed themselves actuated by the same spirit of opposition; and M. de Vergennes, who under the title of ambassador, was come to contend with the ministers of Russia and England; had gained additional strength by the arrival of a minister from Madrid.

The order of the nobles was attached to the court interest; but that body had not sufficient power to overturn the constitution; neither was it certain that its members had a desire to do so. The order of the citizens was irritated against the senate, for having laid it down as a maxim, that all the great offices of the state must be held by nobles only.

It was greatly for the king's interest that the senate, which had been revived by his father, should continue to exist: but if he had shewn himself openly for that body, he would have excited the jealousy of the citizens: and if he had favoured the pretensions of the nobles, he would have turned against him the opposite parties: so that in this embarrassing situation he endeavoured to preserve the appearance of a perfect neutrality.

Instead of accelerating the proceedings of the diet, the king retarded all its operations: while he in secret encouraged rivalships among the members, he appeared only as the conciliator of their differences; and this he did with so much address, that all seemed to spring from object, and every measure his-

longer to speak of their rights; and expecting nothing but the will of their master.

How much more wise does that nation appear which instead of enfeebling itself by vain and unjust pretensions, increases its energy by uniting all its powers in one central point; which point comprehends the love of virtue, respect for all property, a desire of establishing order, and a determination to grant nothing but to the claims of justice and the laws.

Charles the XIth died after confirming his authority by a reign of thirty-seven years. He left to his son, then in his fifteenth year, a throne firmly established, and respected abroad; poor but warlike subjects; and the finances in good order, and under the management of able ministers.

This prince was willing to carry even beyond the grave his authority over the laws. Those of Sweden fixed the majority of their kings at fifteen years, but Charles the XIth retarded that of his son to eighteen. M. de Voltaire says, that *it was to favour the ambitious views of his mother*; but another reason may be presumed more adapted to his character. Charles, insensible to the cries of indigence, to the tears of a compassionate wife, was not capable of yielding to the desires of an ambitious mother. He was to leave to his son an authority without any bounds: the senate which had been heretofore the senate of the nation, was become nothing more than the tribunal of the king, and the organ for issuing his orders: could he  
place

What, he said, *might be done* he actually *did*: but the most astonishing circumstance, and the one most worthy of notice is, that nothing contributed more to the king's elevation than the overthrow of the party most favourable to him: so true it is, that in politics we must not build our opinion on the circumstances of the moment; nor form our expectations of the future by the present. The talent of perceiving all the resources which even a misfortune may afford, is what characterises the able negociator, and the true statesman.

The people appeared every day more discontented at seeing the diet prolonged without determining any thing; and they began to conceive an aversion for a form of government which retarded by so many shackles the conclusion of affairs.

The triumphant party, upon examining the proceedings of the senate, declared that it had abused the confidence of the states; and all its members were without distinction cashiered, contrary to the advice of the ministers of Russia and England, who wished to have an exception in favour of those who were attached to their interest.

Thus was Gustavus the III<sup>d</sup>. scarcely seated on the throne, when he beheld that senate which had cost France so much intrigue and so much money, and for the formation of which Frederick the II<sup>d</sup>. had exposed his crown, destroyed before his eyes.

ALL





orders had been contradicted and suspended by the court.

So serious an accusation as this is, cannot be admitted without proof, whatever may be the merit of the writer who offers it: but whether it were true or not, the enemies of the states increased from province to province; while the partizans of a new administration increased round the king; who had the art of holding in perfect security even those who had an opportunity of observing him most strictly.

The two royal brothers were at this time in the provinces of Scania or Schonon, and Gothland, where they resided under various pretences; but their real motive was that they might win the confidence of the officers and foldiers.

The moment for effecting the revolution now pressed upon those who were concerned; the king's intentions, secret as they were, began to be discovered; and the ministers of the two courts who stood competitors with France, being more able to pry into the designs of princes than the members of the diet, acquainted them with it; but its members were so intoxicated with their success, and placed such confidence in their own-knowledge, that they scarcely deigned to pay any attention to what was communicated to them by those foreigners.

As the scheme which was projected could not be carried into effect without confiding it to some Swedish subject capable of favouring its execution, the king, after having assured himself of the attachment

ment

the states. In fine, that they should have the  
“ power of dismissing any member of the senate  
“ of whose conduct they disapproved; or of grant-  
“ ing him leave to retire if he desired it.”

For completing the authority of the states, the diet established a *secret committee*, composed of members of the noble order, and of the clergy and the burgeses; the number was to be at the will of the assembly, but there was always to be the proportion of two nobles to one of any other order.

This committee, which united the judiciary and executive power, was so much the more formidable from its reserving to itself the trying of all crimes which it thought proper to denominate high treason; for in all such causes it was both judge and party.

It was not possible for the states to be raised to a higher degree of sovereignty; and as the diet had alone the right of dissolving itself, it might, by prolonging its existence, annul the royal power, and hold the reins of government forever in its own hands.

Now I have shewn the extent of the authority appropriated to the states in this revolution, I shall take a cursory view of that which was reserved to the crown.

The office of king was hereditary.

He had the precedence, and all the external pomp and insignia of majesty.

regiment of artillery; and on his return, the detachment which was to mount guard that day being under arms, his majesty called all the officers into the guard-room, and there addressed them in a speech of such eloquence as struck them with admiration. He painted to them in the most lively manner the unhappy state of the kingdom; the fetters in which it was held by the gold of foreign powers; the dissensions and the troubles which had resulted from that influence; and which had distracted the diet during fourteen months. He assured them that his only desire was to terminate these disorders; to banish corruption; and to re-establish true liberty. He protested to them in the strongest terms, that he renounced all absolute power, or that which the Swedes call *sovereignty*, and he concluded his oration with these words: "I am obliged to defend my own liberty and that of the kingdom against the aristocracy which now dominates: will you be faithful to me, as your ancestors were to Gustavus Vasa and to Gustavus Adolphus? Then will I risk my life for your good and the good of my country."

The officers who had in general embraced the king's party, hastened to swear fidelity to him. One of them however named Cederstron alledged in excuse for his not doing the same, that he had but a short time before sworn fidelity to the states, and that he could not consequently take the oath required by his majesty. The king looking sternly at him,  
said,

The authors of this new form of government conducted themselves by a wise plan. They were convinced, that the evils in which the wars of Charles the XIIth had involved their country, rendered peace indispensable; and that the Russian forces were no longer a mere banditti, as in the time when twenty thousand of them surrendered at discretion to eight thousand Swedes at the battle of Nerva: they therefore formed a close connection with the Russians, conciliated their friendship, and appeared to make a sacrifice of all the losses which their countrymen had experienced in Germany, to avoid giving umbrage to their neighbours.

They had the fortitude to resist all the addresses of France, which sought, it is not easy to say on what political principles, to attach Sweden to her interest, and carry the flames of war against all the other powers of the north. This plan of conduct was invariably pursued until the year 1738, at which time the Swedes entirely changed their system. In the diet which was convoked at that period, the court of Versailles acquired great influence over several members of the senate; and formed, by means of the gold she dispersed there, a considerable party which were distinguished by the name of *de chapeaux* (the hats), while the party which opposed them were called *de bonnets* (the caps.) These two parties acted a principal part so long under these ridiculous appellations,

nance of a king, or seduced by his appearance of affection and confidence.

The gaining over the officers was not however alone sufficient: it was necessary also to secure the soldiers. The king advanced towards them; and addressing them in nearly the same manner as he had done the officers, he was answered by the loudest acclamations, except by one individual, who cried out no, but his voice was lost in the general shout of approbation.

In the mean while emissaries were employed to circulate a report through the city that the king was arrested: this false alarm drew the people in multitudes to the palace; where, upon seeing his majesty, they expressed their joy by reiterated acclamations; and shewed such a disposition in his favour as gave a certain omen of full success.

The senators were secured almost at the same moment. They had observed from the windows of the council chamber all that had passed on the parade before the palace; and curious to know the cause of the acclamations were descending in order to enquire; when thirty grenadiers with their bayonets fixed, notified to them, *that it was the good pleasure of his majesty they should remain where they were.* They complained loudly, but the only answer they received was, the door being shut upon them.

When the secret committee had learned that the senate was arrested, it immediately separated; and each of its members endeavoured to provide for his own safety

impetuosity of Charles the Xth, and the heroism of Charles the XIIth, it possessed nothing but the shame of defeats and the infamy of corruption.

The nation, it is true, domineered over its king, but he was the only person to whom it gave laws: those by which it was itself governed were dictated by foreign powers. The history of this æra does not prove an eulogy on aristocratic dominion; but there is a still better reason for my dwelling upon it: it particularly relates to France. What advantage has that kingdom derived from this dark policy, so much extolled under a ministry which is now no more? For upwards of fifteen years the cabinet of Versailles turned all its attention, and directed all its influence towards the north; and what has been the consequence?—Sweden has been engaged in a war with Russia, which has proved fatal to her: the Turk, roused from his slumber, and excited to turn his force against the Czarina, has owned as well as Sweden the triumph of her arms; and a treaty of alliance in favour of England, which is this moment in existence, was for a while retarded.

What evils, what calamities, have been produced by this abominable policy, this rage for domineering in a foreign kingdom! Sweden has been divided into two parties which by their mutual contentions have caused unhappiness to the people, instead of endeavouring to repair the losses of the state, or put

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The subsidies which Sweden received from France, have not indemnified her for the loss of men, of ships, and of money, which she incurred by following the councils of that ally—An ally who was desirous of governing others though she knew not how to govern at home!

Instead of giving their money to the Swedish senators, would it not have been more wise in the French to have demanded it of those who under that title were exempt from paying imposts? Instead of corrupting the depositories of that authority which ruled Sweden, would it not have been better to purify those who administered justice in their own provinces? Instead of multiplying their foreign pensioners, would it not have been more prudent to limit the number of those who were springing up at home?

It is to be hoped that we shall now see banished forever that murderous policy, which produces war where peace should reign without interruption: which exhausts the citizens of its own state, that it may corrupt the subjects of another sovereign; and which transforms the representatives of kings into the agents of fraud, of perfidy, and of seduction.

Is it not in consequence of this false policy, that France has increased her national debt to such an immense amount, that a deep gulph is opened by it which threatens the fate of the monarchy, and which must now swallow up so much treasure before it can be filled?



spectators of the measures which the public safety required; and enjoined them to stay within their houses, and keep their doors shut.

An officer was dispatched with orders to the regiment of Dupland, and to that of Sudermaria, which lay within a few hours march of Stockholm, to return to their quarters: and the commanding officer, who was attached to the senate, was ordered to repair immediately to Stockholm. These orders were executed with so much more facility, as the king had used the precaution of not suffering any person to go out of the city; and the orders being countersigned by the secretary of state, the troops were kept ignorant of what had passed there.

Besides the senators, who were detained in separate apartments of the palace, general Rudbeck, and many others of the party which was adverse to the king, were put under arrest without the least resistance from any of them.

The partizans of the king became so numerous, that no person was seen in the street without a white handkerchief tied round his arm, in imitation of his majesty, who at the commencement of the enterprise had given the example.

The king passed the night in taking his round through the city, where the troops remained under arms: and the next day many thousands of the inhabitants assembled to take the oath which had been taken the preceding day by the officers and soldiers.

When

How far were these states, so absolute in their will, from believing, that the young prince whose sub-governor they dismissed, under pretence that his employment was superfluous, and whom they forbid all communication with his preceptor, should become the absolute sovereign of Sweden, and annihilate their power! and yet this actually happened in the year 1772, without a war, and without any effusion of blood.

Such an event, which did not seem within the line of probability, may furnish a useful lesson, and teach nations that they ought not, reposing on the strength of their constitution, to sleep in fatal security. It is not sufficient to limit the authority of kings; the happiness of the people must be at the same time extended: for human inconstancy should be considered; and we should remember that if people grow tired and desirous of novelty even in the midst of public welfare, they will be still more solicitous of a change when their condition is unfortunate.

When the new king of Sweden was on his return from France to his own dominions, he passed by Prussia, and went to visit his uncle at Potsdam. It was generally rumoured, and might be easily supposed, that the hero of the north, who was the most absolute of kings, engaged the young prince to break the yoke to which his royal neck was to be submitted: it is however very true that so far from giving his nephew such dangerous council, Frederick applauded the resolution avowed by Gustavus the III<sup>d</sup>. *of governing ac-*

“ had an opportunity of being nearer his person. But  
“ neither of these could as yet suspect him of that  
“ genius for intrigue, of that bold and enterprising  
“ spirit which have since distinguished him; neither  
“ could hope that such a genius, whilst it was exerted  
“ to promote the particular interests of the prince  
“ who possessed it, should yet never lose sight of the  
“ happiness of the people; that such a spirit should  
“ be under the direction of prudence, and in its  
“ course be marked by a moderation as amiable as it  
“ is rare.

“ Neglectful of pleasures, yet not averse to them,  
“ without being dissipated, he tasted the amusements  
“ of the court; and in the midst of the closest appli-  
“ cation to study, retained all that graceful ease which  
“ qualifies to shine in a circle. He cultivated with  
“ success, the arts of governing and of pleasing; and  
“ knew alike how to gain the respect, and win upon  
“ the affections of his future subjects.

“ Under the appearance of the most disinterested  
“ patriotism, an ambition great as his talents lay con-  
“ cealed: and covered by a zeal for the welfare of his  
“ subjects, his designs upon their liberties might have  
“ escaped the penetration of the most sagacious.”

If this be a faithful portrait, it is not surprizing that Gustavus the III<sup>d</sup>. has triumphed over the senate in the contest between monarchy and aristocracy. And yet what obstacles had he to overcome! What deceptions had he to employ for accomplishing his end!

But to return to the proceedings in the senate. When the articles of the new form of government had been read, the king demanded of the states if they approved them. It must not be forgotten that at the moment when the monarch put this question to the diet, he was surrounded by armed guards: that cannon ready charged were pointed towards the gate of the hall where the states were assembled: and that it was likewise surrounded with soldiers who came to swear fidelity to Gustavus: all the orders of course answered him with acclamations.

One single member of the order of nobles had however the fortitude to rise, and propose limiting the contributions to a certain number of years; but the marshal of the diet refused to let this motion be debated without the consent of the king, who expressed his desire that the nobles would place the same confidence in his paternal care as the other orders did, who had not proposed such a limitation.

The marshal of the diet, and the speakers of the three orders who follow that of the nobles, signed the form of government which they came to hear read; and the states took the oath which was dictated to them by his majesty.

Shall I venture to mention the ceremony which terminated this extraordinary scene? Shall I not degrade a monarch, who for three days had shewn himself under the character of a hero to all his capitol?

alone. He even went so far as to propose to the ministers of foreign courts to assist him in reconciling the opposite interests: and often affected to assemble them at the palace, as if on some business of great importance, in order by that to delude his subjects and also those who caused their divisions.

The main difficulty on which the diet could not agree was, whether they should add some articles to the covenant which had been signed by Frederick in the year 1752. Three of the orders pretended that as there had been many new laws made since that time, it was necessary to have them specified in the engagement required from his majesty at his coronation: but the nobles alone insisted that there should not be any change whatever made: and they maintained that this was one of the points on which the unanimous consent of the four orders of the state was required.

The king instead of smoothing these difficulties represented with an air of concern how much he was afflicted by them. "If my intentions (says he) were less pure, less innocent; if my heart were not filled with the tenderest regard for my country, for its independence, its liberty, and its glory, I might tranquilly watch the occasion of taking advantage, as some of my predecessors have done, of the disunion of my subjects, to the injury of their liberty and their laws."

What

regiment of artillery; and on his return, the detachment which was to mount guard that day being under arms, his majesty called all the officers into the guard-room, and there addressed them in a speech of such eloquence as struck them with admiration. He painted to them in the most lively manner the unhappy state of the kingdom; the fetters in which it was held by the gold of foreign powers; the dissensions and the troubles which had resulted from that influence; and which had distracted the diet during fourteen months. He assured them that his only desire was to terminate these disorders; to banish corruption; and to re-establish true liberty. He protested to them in the strongest terms, that he renounced all absolute power, or that which the Swedes call *sovereignty*, and he concluded his oration with these words: "I am obliged to defend my own liberty and that of the kingdom against the aristocracy which now dominates: will you be faithful to me, as your ancestors were to Gustavus Vasa and to Gustavus Adolphus? Then will I risk my life for your good and the good of my country."

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said,

The expelled and indignant senators presented themselves before the king, who by seeming to deplore his inability to protect them, attached them still more to his interest; and those whose affections were before divided between the monarch and the constitution, now turned entirely to the cause of Gustavus; while that monarch secretly enjoyed the hatred which his party bore to that which opposed them, and the delirium of those opposers.

In this interval, the king assembled a body of near a hundred and fifty officers, under pretence of exercising them in military manœuvres, but in fact with design to attach them to his interest, and discover how they stood disposed. His affability soon gained him their affections and filled them with zeal for his cause.

An accident occurred just at this crisis very favourable to the projects formed by the king. There was a general scarcity of corn in the kingdom, which reduced the inhabitants to great distress; and a report was circulated among the people, that this dearth proceeded from the negligence of the states, who should have prevented it by importing corn from other countries.

In consequence of this opinion, the kingdom echoed with complaints through all its provinces: but, if Mr. Sheridan may be believed, the states were not to blame; for they had given orders for the distributing of corn in all the departments, and these orders

nance of a king, or seduced by his appearance of affection and confidence.

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ment of a captain who had the command of the fort of Christianstadt, imparted to him the design. It was agreed between his majesty and this officer, that after the latter had excited the troops under his command to revolt, he should shut the gates of the fort and prepare to defend it; and that an officer, who should pretend to have escaped from thence, should inform prince Charles of the event, and make known to him the necessity of assembling the troops immediately, as if to stifle the revolt.

This plan was exactly followed; and the regiments voluntarily obeyed the king's brother, who would not under any other circumstances have had a right to make them march. The news of this rebellion of the commanding officer of Christianstadt soon reached Stockholm; and the king, seeming much affected at it, put himself at the head of the city-cavalry who were ordered to patrol the streets. He shewed on this occasion the greatest solicitude for all the citizens, conciliated the love of all the inhabitants, whose duty he shared with them; and no officer presented himself before his majesty without receiving some proofs of his affability.

The 19th of August, 1772, was the day on which Gustavus the IIIrd had determined openly to reconquer the sovereignty: and all those who were attached to his cause, had directions to repair on the morning of that day to the palace. Before ten o'clock the king mounted, on horseback, reviewed the  
regiment

spectators of the measures which the public safety required; and enjoined them to stay within their houses, and keep their doors shut.

An officer was dispatched with orders to the regiment of Dupland, and to that of Sudermania, which lay within a few hours march of Stockholm, to return to their quarters: and the commanding officer, who was attached to the senate, was ordered to repair immediately to Stockholm. These orders were executed with so much more facility, as the king had used the precaution of not suffering any person to go out of the city; and the orders being countersigned by the secretary of state, the troops were kept ignorant of what had passed there.

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The king passed the night in taking his round through the city, where the troops remained under arms: and the next day many thousands of the inhabitants assembled to take the oath which had been taken the preceding day by the officers and soldiers.

When

said, "Think of what you are going to do." Cederstron replied, "I have thought: and what I think to-day I shall think to-morrow. If I were capable of violating the oath by which I have engaged myself to the states, I should be equally capable of failing in that which your majesty requires from me."

The king desired him to deliver up his sword, and ordered him to be arrested; but immediately after, fearing the impression which might be made on the rest of the officers, by the firm and resolute conduct of Cederstron, he softened his voice and said to him, "As a proof of my confidence; and of the good opinion I have of you, I return you your sword, without insisting on the oath; and I only request you to follow me this day."

Cederstron preserving his heroic firmness, answered the king, that his majesty could place no confidence in him, and that he intreated him to dispense with his service.

I thought it my duty not to omit this historical anecdote, because antiquity offers us nothing more affecting; and if the last revolution of Sweden should ever become the subject of a dramatic poem, one of the most beautiful scenes which could be brought upon a theatre, would be this noble resistance of a simple gentleman, who alone shewed himself attached to his oath; and who was not to be intimidated by the me-

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speakers at the head of each order, as was the usual manner.

The king, seated on his throne, and surrounded by his guards and a numerous troop of officers, addressed a speech to the states, wherein he painted in the most lively colours the excesses, the disorders, and the misfortunes, into which the nation had been plunged by the divisions of the parties; he reminded them of the pains he had taken to reconcile them, and of the ingratitude which he received in return; he insisted on the infamy they had drawn upon themselves by their venal policy; by their baseness in sacrificing to foreign gold the dearest interests of their country; and rising suddenly in the middle of his discourse, he cried out, "If any one of you can deny what I have advanced, let him rise, and declare it."

No person dared reply to this challenge; and even if the assembly had not been restrained by fear, the king's reproaches were so just, that it would not have been easy to contradict them.

His majesty then ordered a secretary to read the new form of government which he proposed, and which was comprized in fifty-seven articles.

Mr. Sheridan in his History of the Revolution reports only four of these articles, which he says are sufficient for explaining all the others, and giving an idea of the present constitution of Sweden: but whoever was to judge of it from the analysis he gives of them, would be led into an error.

safety. The king then mounted on horseback; and followed by his officers, a large body of soldiers, and a great number of the inhabitants, went to the other quarters of the city, where were posted the troops which he had ordered to assemble: these he found equally disposed to embrace his cause, and received their oaths of fidelity. As the king went along he announced to the people that he had no object but that of defending, of saving his country; and that if the people were not willing to give him their confidence he would resign his sceptre, and abdicate the throne: but so dear was he to the inhabitants, that they conjured him with tears in their eyes, and some of them even on their knees, not to abandon them.

I need not add, that his majesty was very well disposed to yield to their urgent entreaties; and in less than an hour he was master of all the military forces of Stockholm: after which powder and ball were distributed to the soldiers; and many pieces of cannon were drawn from the arsenal and mounted at the palace, and on the bridges, and in many other parts of the city; but particularly at the avenues leading to it, where soldiers were placed with their matches lighted. All communication from without was at the same time stopt; and no person was permitted to leave the city without a passport.

A declaration from the king was posted up in every street, by which his majesty exhorted all his faithful subjects, and all the inhabitants, to remain quiet

But to return to the proceedings in the senate. When the articles of the new form of government had been read, the king demanded of the states if they approved them. It must not be forgotten that at the moment when the monarch put this question to the diet, he was surrounded by armed guards: that cannon ready charged were pointed towards the gate of the hall where the states were assembled: and that it was likewise surrounded with soldiers who came to swear fidelity to Gustavus: all the orders of course answered him with acclamations.

One single member of the order of nobles had however the fortitude to rise, and propose limiting the contributions to a certain number of years; but the marshal of the diet refused to let this motion be debated without the consent of the king, who expressed his desire that the nobles would place the same confidence in his paternal care as the other orders did, who had not proposed such a limitation.

The marshal of the diet, and the speakers of the three orders who follow that of the nobles, signed the form of government which they came to hear read; and the states took the oath which was dictated to them by his majesty.

Shall I venture to mention the ceremony which terminated this extraordinary scene? Shall I not degrade a monarch, who for three days had shewn himself under the character of a hero to all his capi-  
tol?

When the king came in the front of this multitude a profound silence was observed. His majesty was on horseback with his sword drawn in his hand. He advanced towards them, and declared that his only end was to give tranquillity to his country; to abolish the aristocratic form of government; and to restore the ancient Swedish liberty. "I renounce (continued he) all idea of that abhorred despotism which is called sovereignty: and I make my greatest glory consist in being the first citizen of a people truly free."

The people, who since Charles the XIIth, had never heard their king speak the Swedish language, listened to him with a degree of admiration natural to such a novelty; and often interrupted him by their acclamations. His majesty then read the oath which he made to his people, and that which they were to take to him; and heralds were afterwards sent into all quarters of the city, to proclaim an assembly of the states for the next day, and to threaten any member who should dare to absent himself, with being regarded and punished as a traitor to his country.

The next day a detachment of guards received orders to occupy the chamber where the nobles assembled; the palace was invested on all sides with troops; cannon were mounted in the court which faced the hall where the states were to meet; and the different orders were not permitted to proceed to their respective chambers or to move with their

of the king himself, than with the hope of their being rewarded by him in the year.

These nobles who three years before made laws for their country, who would have arrested and executed him if they had been aware of his project; who exclusively gave orders in the military, who granted pensions and honours, who fixed imposts; who made regulations for the poor, and attended when they were needed; who collected revenues when they were necessary for them; who raised themselves to be elected by their civil powers for granting or withdrawing a treaty of alliance; and who on the death of August came by inheritance to wear the crown and without any violence, to ascend to the most exalted throne, and to subscribe to a plan of constitution already prepared, which deposed them of their authority, which obliged them to return to their respective houses as simple subjects; those very nobles were now heard addressing the king, before their sovereign, and testifying their respect and their gratitude towards him!

"Happy are the people of Sweden" (exclaimed the speaker of the clergy) "to behold in your majesty the instrument employed by heaven to redeem Swedish liberty from all which could oppress and degrade it. Happy are the states of Sweden who are able, notwithstanding the change, to take leave of the king in as much confidence and liberty as they had upon their first seeing him."

The



It is very true that by the 38th article, the king alone has the right of convoking the states, but he cannot, as Mr. Sheridan tells us, separate them at will; because the 46th article imports, that they shall continue three months or more; and at the end of that time, the king may dissolve them. It is in vain to say in justification of Mr. Sheridan's assertion, that in the year 1778, the king separated the states by his single will; a distinction should be made between the *right* and the *deed*, and the one ought not to be judged of by the other.

Neither is it true, *that the king has the power of prolonging, by his single authority, an impost which has been established*, because "new imposts cannot" (according to the 45th article) be required but in "case of a war where the kingdom is attacked: and "as soon as the war shall be at an end the estates "must assemble, and the imposts established on account of the war shall cease at once."

By the 48th article, the king cannot declare, or make war, without the consent and approbation of the states. His Swedish majesty does not pique himself on a very exact observance of this article; for the war in which he is now engaged with Russia, was declared without the consent of the states, and many members of the senate have been since deprived of their liberty and their dignities, for protesting against this first infraction of the constitution.

tol? But I must observe that the Swedes are very superstitious; and that a legislating king, who would conciliate the respect and submission of all his subjects, must not neglect the most trivial means of captivating their minds: this will make us cease our astonishment that Gustavus the III<sup>d</sup>, who the preceding evening advanced before all the inhabitants of Stockholm on horseback, with a drawn sword in his hand, for receiving their oaths of fidelity; now in the moment when he was employing all the royal authority in the midst of the representatives of the nation, drew out *a book of prayers*, laid down his crown, and chanted a *te deum*, which was most devoutly echoed by all the assembly.

Thus was completed the famous and last revolution of Sweden, which was accepted in all the provinces.

The senators who had been arrested took the oaths of fidelity, and were that moment set at liberty; and the king not only rewarded beyond their hopes all those who had seconded his project, but shewed himself noble and generous towards such as had been the most adverse to it; he even retained many of them in very important employments.

A curious lecture for those philosophers who wish to develop the characters of men, is to be found in the harangues of the marshal of the diet, who acts as speaker to the order of nobles; and in those of the three other orders; when the king, in taking leave

The speaker of the order of citizens said to the king, " This assembly of the states has seen the moment arrive from whence the happiness and independence of Sweden shall henceforth be dated, and form a new epocha. Since the advancement of your majesty to the throne, you have continually strengthened the foundation of government."

The speaker of the peasants, whose discourse contained at least one hint, expressed himself thus: " At the closing of a diet, as long as it has proved happy in the conclusion, the order of peasants approach the throne to acknowledge with the most profound respect, that the kingdom, upon the brink of destruction, owes her salvation to the zeal and to the tender care of your majesty alone, by whom there is established *a balance of power, which until now was wanting in the government.*"

The speech pronounced by the marshal of the diet in the name of the nobles, contained nothing but assurances of veneration, and protestations of fidelity. I gave extracts from the addresses of the other speakers, to show that men are every where subject to the same affections; that in prosperity they exult in their success; that they are proud, independent, and jealous of unlimited authority; that they delight in exercising power; and in annulling, annihilating every thing which is not of their own creation; but that when all at once a superior force springs up and intimidates them, they become supple and cringing; and

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over the nation; and which had united within its grasp the legislative and executive powers, and the military force. And how was this unexpected revolution accomplished? Three days were sufficient to bring it to a conclusion; but how many circumstances concurred to bring it on? It was necessary that Gustavus the III<sup>d</sup>. should be born with an ambitious mind; that he should know how to conceal the desire he entertained of becoming a real sovereign; and that he should have the address to gain the affection of his subjects, by an appearance of affability, an air of chearful freedom, and by seeming to take a part in the miseries of the people.

But his rendering himself agreeable to the Swedes, was not sufficient for disposing them to adopt a new form of government; it was necessary to disgust them with that which had subsisted during the two last reigns; and Gustavus brought this about by protracting the dissensions which prevailed between two powerful factions. The party which was most oppressed, he always took care to attach to his interest; and in proportion to the wrongs they suffered from the tyranny of their triumphant adversaries, the more the enemies of those adversaries were increased by the discontents of the sufferers.

The people, especially those who did not dwell in the cities, might still remain neuter in these quarrels of ambition and vanity; it was therefore requisite to find some means of interesting them in the  
business,

business, in order to draw them into action: this means is, unfortunately, but too well known, and too often practised; it is the making them experience the want of that article of provision which is of all others the most necessary. By this abominable art the multitude are always to be excited to fury, which renders them blind in their resentment, and in their vengeance. When the people are thus inflamed how unfortunate is the condition of those in authority! they are all accused, they are all persecuted, without examination, and without distinction; and are considered as responsible for the accidents of nature. "To direct things in such a manner that we may live (say the people to their administrators) should be your first care, as it your principal duty; behold we die of famine, therefore you are culpable." This reasoning, however vague it may appear, is not destitute of truth.

Sweden experienced a dearth; and the best method the states could pursue was to purchase corn and cause it to be distributed through all the provinces: but if these supplies were stopped, or if the equal distribution of them was prevented by means of secret intrigues, then the provident care of the states must be rendered ineffectual; and insurrections consequently ensue. The less authority the king had in the government, the more secure was he from having the murmurs and reproaches of the people directed against him, for all their complaints  
all

all their hatred still fall on those in power: and if the king shewed ever so little concern for the distresses of the people, his emissaries spoke of him as being deeply afflicted at not being able to afford relief to his dear subjects; and thus they excited a desire of investing him with an authority of which he would make so much better use.

But it was not sufficient to give the enemies of those with whom the public power was deposited, an opportunity of directing the resentment of the people against them; there existed an armed force which had sworn fidelity to the orders of the states; who were paid by them; and on whom preferment was conferred by their influence only: these were also to be tampered with, and persuaded to renounce their oaths. How was this important point to be attained? The prince could only accomplish it by conciliating the affections of the officers, and making himself popular with the soldiers, by appearing frequently among them, by marching sometimes at their head, shewing them in their king a general, and in giving them every possible encouragement. Unfortunately however there was no war existing; and it was not easy to assemble the army in order to excite their zeal. Here then it was necessary to apply to a new artifice; to feign internal trouble, produce the appearance of an insurrection, and make a show of danger, which would furnish an excuse for calling troops together. But who could be trusted

trusted to play the part of a revolter? Where could a chief, a commander be found, who would be willing to run the danger of losing his life on a scaffold to serve the ambition of a king without authority, and who could not even save the criminal if he failed in his design? Where could generals be met with who, under pretence of stopping the revolt, would detach the minds of the soldiers, and keep them in a state of inaction? To accomplish this it was necessary to find out a commander of some fort, or citadel, who was discontented with government, and whose irritated pride cherished a desire of vengeance. It was also necessary that the king should have brothers, or other near relations, whose interest it would be to raise him to great power. All these means concurred in favour of Gustavus; and he knew so well how to employ them, that, by their assistance, he rendered the senate odious, and the diet contemptible; animated the people to take part in his cause, and won over the military force to his side.

I shall now withdraw my attention from Sweden, and direct it for a moment to France, in order to judge of the degree of possibility there may be of bringing about such a revolution in the last-named country, as we have seen take place in the former.

It cannot be denied that a multitude of workmen and of citizens must suffer, when commerce languishes, and there is a scarcity of money; but these sufferings, this languor, and this scarcity, having all originated



originated in the conduct of a former administration, and in the necessity of substituting one more equitable, it is not to be supposed that the enlightened part of the people will impute to their present representatives \* their present misfortunes.

The inhabitants of the provinces who already experience a relief from imposts, pleasing themselves in the idea of receiving new benefits from the constitution, will be far from seconding the project of preventing its completion and effect.

The soldier whose spirit had been disgraced by shameful chastisements; to whom was denied the hope of raising himself to the highest ranks by his valour, a hope which should have been continually made to glitter in his sight, even if it had been in fact but chimerical, will not arm against a legislative power to which he owes a melioration of punishment, an increase of pay, and a prospect which will support his valour.

The citizen, whether living at his ease or by his industry, whose property will be protected by an immutable law, will be its most zealous defender. The man therefore who is daring enough to attempt the re-establishment of arbitrary power, must rely entirely on the discontents of the nobility, and the clergy;

\* The members of the late legislature (as the French now style their National Assembly) are here meant, as this work was printed before the dissolution.

but

but he will find that reliance ill founded. A great part of the nobility had neither feudal rights nor vast landed estates ; and if these have been deprived of their privileges, they are amply compensated by the suppression of what was so unequally distributed : and if on one hand they behold the plain citizen rise to their level, they perceive on the other the man of high distinction descend equally to the same sphere, and cease to monopolize rewards.

In regard to the clergy, they afford still less promise of assistance in the projected plan. The greater part of this militia of the church were placed under an oppressive and unjust hierarchy. The active and laborious multitude, in cultivating the glebe committed to their care, collected nothing for themselves but pains and humiliations ; while their disdainful overseers passed over the field to treat the labourers with insult, and bear away the produce of the harvest.

One part of this militia presented the true picture of *serfs*, (vassals or bondmen ; ) for the feudal system subsisted in all its force among this body of men, and there never was a wider distance between a lord paramount, and the lowest of his vassals, than between a high dignitary of the church, and a begging friar.

A great part of the members of this powerful corporation find themselves set free from bondage, by the constitution which destroys this superb order ;  
recovering

another part escape from the shame of beggary by recovering their freedom; and if the rich lose the *superfluities* of life, the poor acquire the *necessaries* which before they wanted.

If therefore from these concurring circumstances, these incontestible facts, the number of the discontented among the clergy will be found much inferior to that of those who favour the constitution, the anti-revolutionists can expect no aid from that expiring body.

Is it from those who constitute the magistracy that they can hope for assistance? The occasion which there once was for them exists no more. They were a mound opposed to a torrent; but that torrent is converted into a stream, which scarcely bathes the sand over which it tranquilly flows.

Let the counter revolutionists compare this weakness of their party to that defensive force, that national spirit, that love of liberty, and that warlike enthusiasm, which inflames all hearts, and they will perceive that it would be the excess of madness to attempt a revolution in the present moment, as it is the excess of folly to fear it.

But what cannot happen in one reign may in another. We have found the late form of government prevail peaceably in Sweden under two kings, and we have seen by what means a new form was occasioned. Let the French profit by the faults of other people, that they may not be exposed to similar consequences.

Famine is a powerful means of bringing about a revolution\*. Let them encourage agriculture, and keep the magazines in each department always full, to secure them from this calamity.

The day-labourer and the artizan, who have nothing in reserve, no property, and no oeconomy, soon pass

\* The conductors of the French revolution can bear testimony to this truth. A dearth of corn, said to proceed from the failure of the harvest in some parts of France, proved in their hands an engine of irresistible force when directed against the fabric of government. Nor was it less effectual in overturning the clergy; though, upon examination, it appeared in the ecclesiastical committee, that large portions of the debt which was made one cause of accusation against that body, had been contracted by purchasing corn to supply the necessities of the people: the archbishop of Paris had borrowed 600,000 livres for this humane purpose, the archbishop of Auch nearly as large a sum, and many others had contributed proportionably.

How far this scarcity was a natural calamity, and how far it was increased to answer the purposes of faction, the limit of a note will not permit me to argue: I shall only observe, that in the pamphlet written upon that subject, by Mr. de Calonne in the year 1789, there are positive charges brought against Mr. Neckar and his adherents, which I do not recollect to have seen even the slightest attempt to refute, of having created an artificial famine by means which are there stated very circumstantially.

If M. de Calonne's assertions were true (and the silence observed by those whose interest it was to vindicate Mr. Neckar, then the idol of the democratic party, is a strong presumption that they were so) what a deep laid scheme of villanous policy was employed to bring about the revolution!

from

from competency to extreme indigence; but let work-houses, established for the purposes of charity, always offer them an asylum from despair, and keep them from being led away by bad men. Let the natives always be employed in preference to foreigners; because every country should provide for its own children before it adopts those of other states. Let the bearing of arms be forbidden to every individual who cannot give some security for his conduct to the law, and who is not enrolled under the national standard. Let the legislative body watch, without intermission, over the execution of their laws; and never modify them but to make them perfect. Let all the citizens, at all times, consider Justice as an accessible divinity, and dispose themselves to observe her rules; and let the executive power be sufficiently armed for protecting, but not for oppressing the people. In fine, I shall never cease to repeat, that, from the chief of the nation to the meanest citizen, all who live under the empire of the constitution, should enjoy more happiness than those who existed under arbitrary power; and then I will answer for it, that no partizan of the late government will ever attempt in France what was by Gustavus the III<sup>d</sup>, so rapidly accomplished in Sweden.

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It is agreed by this new charter, this pact between the Swedes and the chief of the nation, “ That the religion by which Sweden shall regulate public worship, shall be that which has been explained in the confession of Ausburg, as has been decreed in the council of Upsal.

“ That no citizen shall be punished in his honour, or in his fortune, or by the loss of his life, without a previous trial conformable to law.

“ That the order of succession to the crown shall be observed conformable to the convention of inheritance approved in the year 1743.

“ That after the royal power, the highest dignity shall reside in the senate, which shall consist of seventeen members, including the grand officers of the  
“ king-

“ kingdom, and the governor general of Pomerania ;  
“ that the senators shall be chosen by the king alone,  
“ from among his noble subjects who are Swedes by  
“ birth, and attached to the kingdom by the bonds,  
“ of faith, attachment, and homage.

“ That it shall pertain to the king, to govern,  
“ maintain, and protect, all the strong places, the  
“ provinces, his rights, and those of his crown.

“ That he may propose negociations of peace, sus-  
“ pensions, of arms, or treaties of alliance, for debate  
“ in the senate. That if the senate be unanimously  
“ against the measure, his majesty shall abide by the  
“ opinion of the senate ; but if the members differ,  
“ his majesty may abide by the advice which he  
“ shall believe the best.”

I need not remark that by this article unanimity being required for opposing the will of the king on these very important objects, he becomes in consequence absolute master ; for it certainly would not be difficult among seventeen senators, all appointed by him, to bring over one at least to his opinion, and by that means to break the unanimity of the senate.

“ If the king be a foreigner, he cannot go out of  
“ the kingdom without the consent of the states ; if  
“ he be a Swede it will be sufficient for him to com-  
“ municate his design to the senate : and unless the  
“ senate oppose it unanimously, he may still follow  
“ his own will.

“ In all affairs which are submitted to the tribunals  
 “ of justice, or to the councils of war, the final de-  
 “ cision shall appertain to *the revision of justice*, which  
 “ court shall be composed of seven senators who shall  
 “ there discharge the office of judges. The king  
 “ shall assist at this tribunal and shall have two votes ;  
 “ and his vote shall decide when the opinions are  
 “ equal.”

The 9th article imports, “ That it shall belong  
 “ to his majesty alone to pardon criminals ; to restore  
 “ honour, property, and life, in all crimes which  
 “ wound not openly *the plain word of God.*”

According to the *letter* of this article, the king  
 cannot grant pardon to a murderer, a thief, or even  
 to a child who shall have failed in duty to his parent ;  
 but we shall soon see that this is not the *spirit* of the  
 law.

“ All superior officers, from that of lieutenant-  
 “ colonel, to that of field-marshal ; and all other  
 “ corresponding places or ranks, whether in the ec-  
 “ clesiastical or civil state, shall be filled by the king’s  
 “ nomination, from a list presented by the senators,  
 “ which shall contain the names of all the candi-  
 “ dates.

“ With regard to the other employments, persons  
 “ shall be appointed to them by the colleges, and by  
 “ the colonels, without any regard to favour or  
 “ birth,

“ The



“ The king may raise to the rank of nobility those  
“ whom he judges to have merited that distinction ;  
“ but on account of the body of nobles being already  
“ very numerous, the number of families which he  
“ may ennoble shall be limited to one hundred and  
“ fifty.

“ The establishments known by the name of *col-*  
“ *leges* shall continue to watch over the administration  
“ of the provinces ; and they shall give an account  
“ to the king alone of the affairs which are under  
“ their inspection, or which are confided to them.

“ The three parliaments which are the highest  
“ tribunals of the king, and where criminal processes  
“ against the nobles are exclusively tried, shall sit  
“ always at Stockholm, at Norkoping, and at Abo ;  
“ the first for what is called the kingdom of Sweden,  
“ the second for the kingdom of Gothland, and the  
“ third for the grand principality of Finland.

“ All commissioners invested with the right of  
“ judging, and all extraordinary tribunals are hence-  
“ forth abolished as means which can only favour  
“ despotism and tyranny.”

This must certainly be true, since the confession has  
slipped from the pen of those who were anxiously  
aspiring at absolute authority.

“ If it should happen that a person of very high  
“ birth, a senator, or an entire college, attempt any  
“ crime against the king, the kingdom, or the ma-  
“ jesty of the crown ; and that the criminals cannot

“ be tried either by the parliaments, or the senate ;  
 “ in that case there shall be established a national tri-  
 “ bunal, at which the king himself shall preside ; or  
 “ the first hereditary prince, or the senior senator, in-  
 “ stead of the king : this tribunal shall be com-  
 “ posed of all the senators, the field marshal, all the  
 “ presidents of the royal colleges, the four senior  
 “ counsellors of the parliaments, a general, the two  
 “ senior lieutenant-generals, the senior admiral, the  
 “ two senior vice-admirals, the chancellor of the  
 “ court, and the three secretaries of state.

“ The chancellor of justice shall always be the  
 “ prosecutor, and the senior secretary of state shall  
 “ perform the office of recorder.

“ When the trial is over, the tribunal shall openly  
 “ pronounce the decree ; after which no person can  
 “ change the sentence, much less increase its rigour ;  
 “ but his majesty may grant a pardon.”

A tribunal composed with all this solemnity, can-  
 not be compared to those dark commissions which  
 sacrifice victims at the desire of a despot.

“ The hereditary princes, and the princes of the  
 “ blood, can neither have estates settled on them,  
 “ nor hold the office of governor-general ; they must  
 “ content themselves with a revenue paid them in  
 “ money ; which for hereditary princes shall not be  
 “ less than one hundred thousand dollars. This  
 “ they shall enjoy from the day of their being de-  
 “ clared

“clared of age, which shall be at their attaining the  
“age of twenty-one.

“The princes of the blood shall also have a re-  
“venue proportioned to their birth; and they may  
“be adorned with the titles of duchies, and princi-  
“palities; but without obtaining by that means any  
“right over the province whose name they bear.

“The prince royal shall have admission to the se-  
“nate at eighteen years of age.

“If a prince of the blood, or an hereditary prince,  
“shall marry without the king’s consent, his children  
“shall be excluded from the succession.

“No person except the king has a right to con-  
“voke a general diet of the states; unless in the  
“king’s minority his guardian exercise that right.

“The states, when assembled, are bound to respect,  
“and to defend, all that constitutes the royal pre-  
“rogative and authority.”

One very important article of the constitution im-  
ports, “That the king cannot make new laws, nor  
“abrogate ancient ones, *without the participation of the*  
“*states.*”

Gustavus the III<sup>d</sup>. could certainly not think that  
the states *participated* in the creation, or abrogation,  
of any law, which was created, or abrogated, at a time  
when they were assembled, on an appointed day, in a  
hall surrounded by guards, and with cannon planted  
at the entrance; and had there proposed to them, under  
those

those menacing appearances, the will of the monarch which they were to resolve upon.

“ The states cannot (according to the last constitution) annul any laws, or make any new ones, without the approbation and consent of the king.”

This is one of the laws which can only subsist while the king continues to domineer, through the power of force, or of terror: for the nation, must still possess the incontestible, and imprescriptible right, of reforming such laws as are obnoxious, and creating others more wise, and more conformable to the general will.

According to the present constitution “ the king cannot, at any time, raise or lower money without the consent of the states.”

In rectifying some inaccuracies of Mr. Sheridan, I formerly observed, that the king has not the liberty of imposing new taxes, without the *consent and will of the states, unless the kingdom be attacked by its enemies; and in that case such impositions are but provisional, and must cease with the war.*

“ That the king must have the consent of the states before he can declare war.”

One of the complaints made against his present majesty is, that he has himself violated this law, in declaring war with Russia without the consent of the states. If he is indeed an aggressor, as he is said to be, it proves how difficult monarchs find it to sub-

mit to laws, since they respect not those which are emanations of their own will. But after the success he has obtained, after the glory he has acquired by shewing as much courage as activity, can his nation reproach him for having brought Russia to conclude a treaty so honourable for Sweden; and no longer to disdain a people whose former victories over her she had forgot.

The power of the states has been limited by Gustavus the III<sup>d</sup>. in the following article :

“ No other registers, but those which regard the affairs on which his majesty may have resolved in conjunction with the states, shall be communicated to them; nor can they demand any others.”

In a succeeding article it is however said, “ That the state of the finances shall be laid before a committee of the states, in order to convince them that the public money has been employed for the use and benefit of the kingdom.”

It results from these two articles, that when it shall please the king to convoke the states in general diet, they can deliberate on such articles only as his majesty shall propose to them; and that they have not a right to seek, in the different departments, that information which might throw light on the administration of foreign affairs, or of the finances.

The king perhaps believes that, while he thus restrains the power of the diet, he gives a compensation for the loss of its rights, by the personal protection  
which

which he grants to its members. One of the articles of the constitution imports that “ If any member of “ the diet shall, *without having given cause*, be insulted “ or ill treated by words, or by deeds; whether “ it be during the diet, or in his way to, or his “ return from the diet, and that he has made known “ his quality, those who shall have insulted him, shall “ undergo the punishment due to those who have “ violated the king’s peace.”

This direction of the law is very vague. To be ill treated by words or by deeds is extremely different, and yet the punishment is the same; and the words *without having given cause*, must leave the minds of the judges in great uncertainty. Who shall determine what may give *cause* for injurious words, and even for injurious acts? It is by such ambiguous expressions, where the sense is so little determined, that men are submitted to the arbitrary will of their judges.

This observation leads me to consider a difficulty which presents itself every where, and which unfortunate circumstances render particularly important at this crisis.

I will give my opinion on the subject without pretending however to decide.

All the deputies of the national assembly of France are at this moment the proxies of the nation; and their union forms a tribunal superior to all the tribunals. They are, when assembled in a body, above the law, as the principle is above the result; but individually

vidually they are subject to the existing law : consequently, although a deputy be well known for one of the representatives of the nation, if he commit, out of the assembly, any offence, as he is then but a member of society, he must be subject to the laws common to all the members of that society. But as the functions of a deputy may sometimes expose him to the resentment, to the vengeance of tribunals which he seeks to reform, these tribunals should not have the advantage over him, of reducing him to inaction or silence whenever it may be their interest to do so. To prevent therefore on one side, those excesses into which men might be led by an assurance of impunity ; and to hinder, on the other side, the effect of that hatred and jealousy, entertained by the tribunals against the members of an authority superior to their own, I would give this rational interpretation to the article which concerns the inviolability of the deputies. — When a member of the national assembly is accused of any crime whatever, during the continuance of his mission, the magistrate may receive the complaint, and examine witnesses, but he shall not issue a decree, as that might deprive the legislative assembly of one of its members, without impeaching the person accused, and communicating the information obtained against him. When this has been done, if the assembly finds the complaint of a serious nature, and the evidence conclusive, it is for that body to expel the impeached member, and give him up to the  
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the hand of justice. From that time, the deputy ceasing to belong to the legislative body, is no more than a simple citizen, and must be punished according to the rigour of the law, if he cannot refute the accusation laid against him.

By observing this form, the law of inviolability would not be infringed, because justice would not seize upon the person of the deputy, until the moment when the assembly itself had suspended his powers; and the tribunals could not satisfy their personal hatred against the supreme legislators, by issuing decrees on slight occasions, because the legislative body would be judge of the reasons on which they were founded. \*

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\* This opinion (says M. de la Croix in a note) expressed before a numerous assembly, who applauded it, and afterwards printed it in the *Moniteur*, has been since adopted by the national assembly. So far from being favourable to real culprits, I persist in thinking that the representatives of the nation ought to deprive them of all hope of impunity; and more particularly if they continue to have the report of their proceedings printed; as the public will then be judges: and if irreproachable witnesses agree in the same fact, and their testimony be not refuted by that of others, whatever may be the rank or talents of the person accused, a numerous body should not dare to dishonour itself by sheltering, from the vengeance of the laws, one of its members who should be evidently culpable. In vain may it be objected, that if proof is necessary for condemnation, presumption should not be sufficient for a decree; to this I should reply that, the explanations given by the party accused before the decree can be passed, may dissipate these presumptions, and put a stop to precipitate or suborned evidence, because



But to return to the constitution of Sweden.

The king is obliged to maintain all the states of the kingdom in their ancient and legitimate privileges, prerogatives, rights, and liberty; and *no new privilege can be given or granted in favour of any one order, without the consent of all the four orders united.* This is one of the abuses which men know how to make of words. What is meant by this promise of maintaining the states of the kingdom in their ancient and legitimate privileges, in their rights, and their liberty, when these states who ought to assemble of themselves, if not convoked, every three years, are now prevented from ever meeting again, unless the king should order them to assemble? Or what liberty remains for them, when they are to deliberate on such subjects only as the monarch shall submit to their consideration?

I have said enough of the constitution of Sweden as it was established in the year 1772, to convey a perfect idea of it: whether it will last, or whether the nation will maintain it, are questions not easily determined. It was the intention of the Empress of Russia to change it. She proposed to replace the states in their ancient power; give to the senate the authority it had under the two preceding reigns; and re-bind Gustavus in the chains which he had broken: but for effecting this project, she must first have tri-

because witnesses are allowed, by the law, a liberty of retracting what they have said at the re-examination which takes place after the accused person has been interrogated.

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umphed over the league which had been formed against her by the Turk, Sweden, Poland, and Prussia: and she must have been able to send an army sufficient to ensure the conquest of Finland, and a navy into the Baltic capable of destroying that which might there dispute with it for victory.

In 1778 the king of Sweden convoked a diet, that he might keep his word, which had been given in 1772, of assembling the states; but the order of nobles having presented to him a memorial which tended to destroy the new constitution, and which ought to have been read in the approaching assembly, Gustavus the III<sup>d</sup>, in order to prevent its effect, called together the four orders in his palace, and there declared to them, that knowing there were some evil-intentioned persons who proposed to create a misunderstanding between him and the states, he had determined to dissolve them.

They were again convened in 1789, when the king obtained their acquiescence in all his projects, and the right of continuing the war which he terminated so gloriously. This was a large increase to his power.

I shall say only a few words more concerning those states which have lost so much of their ancient sovereignty. The state which is formed of the order of nobles, may contain twelve hundred members, as the noble families are estimated at that number, and the chief of each family has a right to represent it in the

states; but there are scarcely six hundred gentlemen who choose to avail themselves of this right, unless something very highly interesting calls them to the diet.

The representatives of the order of the clergy do not exceed fourscore. The fourteen Swedish bishops form part of this body, the rest of its members are ecclesiastics elected by the beneficed clergy. The king sends letters of convocation to the ecclesiastical court, which transmits them to the archdeacons, and they give notice to the ecclesiastics in their respective parishes.

The bishops are charged with their own expences during the diets; the other deputies are reimbursed by their constituents; a circumstance which fails not to diminish the number of persons deputed.

This rule has also great influence on the representation of the burgeses. Though Sweden contains one hundred and four towns, which have a right of deputing representatives to the diet; though each commercial town may send two deputies, the principal towns three deputies each, and the capital (Stockholm) ten; yet the number of the representatives, of this order, never exceed two hundred.

The order of peasants is for the same reason represented by about one hundred deputies; and thus the usual number of the states when united, is from nine hundred to a thousand.

The author of *Le Dictionnaire economique & politique* observes, that the order of peasants is ill represented in Sweden; because the possessors of land, living like nobles, are not admitted to represent the order; and that to be eligible it is necessary to be a farmer, or husbandman under a landlord: consequently the husbandmen who are proprietors, and who constitute the highest and best informed part of that class, have no share in the legislation, and seem to be considered as nothing in the national sovereignty.

Sweden is the country where men seem to live to the greatest age. According to the calculations of the celebrated Wargentin, who was member of a commission established at Stockholm for keeping an exact register of all the births and deaths in the kingdom, there were found, in two millions four hundred thousand inhabitants, two thousand and thirty-six men, and three thousand five hundred and forty women, above the age of ninety years; among whom were many centenarians who had seen one hundred and twelve, or one hundred and twenty years roll over their heads. But notwithstanding this advantage, if it be one to linger so long upon this globe, many of the Swedes, at the hazard of abridging their days, spread themselves through different parts of Europe, to exercise their industry, and enjoy the pleasures of a milder climate than their own; for in Sweden there is scarcely any medium between the intense cold of  
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a nine months winter, and the suffocating heat which succeeds it.

The sun, at the time of the summer solstice, continues eighteen hours and a half above the horizon at Stockholm ; but this orb, so prodigal of its beams for two months, is as great a niggard during the winter : he then shines upon the inhabitants of Sweden no more than five hours and a half ; and repays them for the loss of his light, only by the faint glimmer of his reflected rays, which the planet of the night dispenses.

After this we cannot be surprized that the same number of men, and of days labour, and the same exertions, obtain in this region but one third of the produce which are obtained by them in happier climates.

When we consider the small quantity of money which was in circulation in Sweden before the last revolution ; when we consider that at that epocha its revenue amounted at most to seventeen millions\* ; that the capital of its national debt was ninety millions, the interest of which was paid to foreigners ; that in spite of this distress, she has been honourably punctual to her engagements, restored her marine, equipt fleets, provided for armies, and made head against Russia during two campaigns, we cannot conceive how politicians can entertain fears for the existence of a great empire, which has ten times more money and more people than Sweden, with the advantage of a more fertile soil.

\* Rather more than £700,000.

Gustavus the III<sup>d</sup>. has undoubtedly committed some faults : one very great one in his administration was, that of reserving to himself the exclusive privilege of distilling *aqua vitæ* ; by which he is said to have lost ten millions : the event has been his relinquishing the monopoly, in Finland, for the compensation of a trifling tax.

Perhaps it was another political fault to declare war against Russia, by which the nation was involved in expence, which will not be compensated by the Grand Signior's gold. But in spite of these errors, (pardonable in a young prince who could not so soon be expected to understand the science of political œconomy, and who ought not to have seen, without secret indignation, the Russian minister endeavouring to recover an ascendancy in the Swedish senate,) it cannot be denied that this king is one of the men most worthy of a throne, and one of the monarchs who will appear with most eclat in the annals of Sweden.

If he has caused the diet to lose a great portion of the power which it had acquired under the two preceding reigns, he has delivered his subjects from an aristocracy, which knew not how to employ its authority for increasing the revenue of the kingdom ; for discharging its debts ; for disengaging it from the yoke of foreign powers ; or for animating commerce, and drawing from the ocean, which the Swedes ought to cultivate, and which offers to them an abundance  
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of fish, a produce which is refused by an ungenial soil.

I could wish before I take leave of the states of the North, to cast my eye over their constitutions; but nothing is to be seen there besides command, and submission: the will of the prince is every thing. Yet I will if possible surmount the disgust experienced at beholding human nature so degraded; at seeing men converted into a servile troop devoted to the caprice of a master; marching on, even to death, when they are ordered; fettering their very thoughts, from a fear of offending the power which dominates over them; for whom the word liberty has no longer any meaning; and whose lives are less their property, than that of the sovereign to whom they belong.

I shall begin with Denmark.

This kingdom had heretofore states composed of three orders; the authority of the king was limited by the oath which he took at his coronation; and the crown was elective.

But the nobles abused the jurisdiction which they had over their vassals in so unworthy a manner; and the clergy found themselves so oppressed by an order who arrogated, to themselves alone, the rights which belonged equally to the two other orders, that in the year 1660 the nation abdicated the sovereignty in favour of Frederick the III<sup>d</sup>; set him free from the restraint of his oath; declared the crown hereditary

“ *unlimited power*, and they shall give to these words  
“ a meaning still more extended than they have in the  
“ countries where hereditary christian kings are  
“ reputed to enjoy absolute authority.”

The same article adds, that “ They shall give to  
“ these words the same acceptation with regard to the  
“ queens, when the succession shall fall into the femi-  
“ nine line.”

In fine, this royal law pronounces that “ Whoever  
“ shall say or do any thing to injure it, shall be  
“ punished as traitors to the crown, and suffer the  
“ pains appointed for the crime of high treason.”

Happy is it for those, who speak or write on the  
legitimate authority of kings at this period, to be far  
from this sojourn of despotism! They would be soon  
condemned by it to eternal silence.

To what an excess of misfortunes, or of stupidity,  
must this vile nation have been reduced, before they  
could subscribe to such a law for granting to Frede-  
rick the III<sup>d</sup>. an authority more extended than that  
of any sultan? If the injustice of the nobles, who  
had formerly the right of life and death over their  
vassals, and who paid no taxes, caused in the Danes  
such an abhorrence of their ancient form of govern-  
ment as to make them prefer the most absolute des-  
potism, how must the present order of nobles blush  
at their ancestors!

Happily for human nature, the despot, who reigns  
over this country, cannot count more than two mil-



lions of subjects ; yet, notwithstanding this scanty population, the two armies of Denmark and Norway amount to seventy-five thousand men, and the king can send to sea a fleet of forty vessels in time of war.

The peasant is obliged to enroll himself from the age of eighteen to forty ; and no soldier dares to settle, or to take a farm, in any domain except that in which his name is registered ; and if he quits the land to which the bonds of servitude attach him, he is prosecuted as a deserter.

The nobles enjoy the rights of the chace, of fishing, and also of patronage, in virtue of which they receive the revenues of ecclesiastics when vacancies occur by death or other causes. Gentlemen can only be cited before the supreme tribunal of the king ; except when the question relates to seizing their property for debt ; such causes come before the provincial judge.

All those of plebeian birth, who have any rank or dignity, enjoy personal nobility.

Christian the Vth was the first who introduced the feudal titles of count and baron. The principal manor of the baron, containing one hundred French acres, and that of the count, containing three hundred acres, are exempt from all contributions except what is called *the princesses tax*.

Neither baronies, nor counties, can be given as security for debt, nor can their possessors alienate them without the content of the presumptive heir,  
and

and the king's permission. These lands are never confiscated but for high treason; and even in that case they go into the next line.

The counts have the property of all mines found on their lands; they enjoy the right of jurisdiction over their domestics; and when they build houses at Copenhagen, they are exempt from ground-rent, from lodging soldiers, and from many different imposts. But after the *royal law* how can the titled nobles be assured of preserving these privileges? Their fears may indeed be calmed by the reflection that, whatever authority a king may possess, he cannot be unjust towards all his subjects without exposing himself to greater danger than them: and that when his power is directed solely by his will, it is the more necessary for him not to abuse it. The general discontent gave absolute authority to the king of Denmark; and rendered him independent of, and superior to all laws. The nation may be by the same means cast into the chains of aristocracy, or delivered over to the harsh power of democracy. What would it avail a king to say, *I hold my authority of none but Heaven; I acknowledge only God above me?* The monarch who was weak enough to regard these vain words as truths, would soon find that his subjects united were more powerful than he; and that Heaven would make no efforts for maintaining an authority which it had never conferred.

Who

Who could believe, if authors very worthy of credit, and who have declaimed the most against the government of Denmark, did not assure us of it, that the Danish code of civil laws is even to this day the best in Europe? It forms only one single volume in quarto; but all the dispositions are so clear, so positive, that every man may be judge in his own cause; thus there are but very few lawyers in Denmark, which is at least one means of softening the misery of the people.

The revenue of Denmark is estimated at twenty-three millions of livres; from which near four millions must be deducted for the interest of the public debt, which amounts to seventy millions of livres.

A principal part of the Danish revenue arises from the toll of the *Sound*, which is a famous strait, between the island of Zealand and the terra firma of Schonen, belonging to Sweden. All vessels trading to the Baltic must pass this strait, and are subject to a toll, which was originally paid as an acknowledgement for the light-houses and fires kept up for guiding navigators, and preserving them from rocks upon the coasts. Sweden, which had an equal right to this toll, was at first exempt from paying it; but so far from claiming a share in the profits, she was herself subjected to the toll, by a treaty concluded in the year 1720.

M. de Montesquieu, who, after having remarked, that "in all the wars between Denmark and Sweden,  
" the

“ the arms of the latter have always had the advantage over those of her rival;” says “ there must be some concealed cause in the governments for this constant superiority.” The cause does exist in their governments, but it is not *concealed*. The peasants, who form the force of national armies, have always been serfs or bondmen in Denmark; they have had pay, but not a country. In Sweden, on the contrary, the peasants have ever made part of the nation as citizens; and citizens fighting against slaves must always have the advantage. For this reason all the military force of Poland consists in its cavalry which is composed of gentleman; and the republic can place no dependence on its infantry, which is formed only of those unhappy beings, attached to the land which they cultivate under the yoke of servitude.

I am sensible, and Prussia stands as an example, that it is not necessary for men to be free, to make them good soldiers; but then there must be a course of long and severe discipline, to convert a simple subject into a murderous machine; which dares not give back before the enemy's fire, because he finds death still meet him if he flies from that which is before his face. What is to be deduced from this truth? — That nature must be overcome in the slave, but her propensities left to act upon the citizen; by which means you will have in three months a good army of patriots, whose ardour it will be necessary to restrain;

strain; while three years spent in frequent exercising, will scarcely be sufficient to make a soldier of a Russian, or a Prussian.

These reflections lead me to speak of Prussia; on which however I shall not dwell so long as I have dwelt on Denmark.

Prussia was for a considerable time only a fief of Poland. It had been formerly under the dominion of the Teutonic order, the grand master of which became its sovereign with the title of hereditary duke; and it was afterwards united to the electorate of Brandenburg.

In 1657 Prussia was franchised from the feudal bonds of Poland; and its territories were extended under Frederick William, surnamed the grand elector, whose son assumed the title of king; and after causing himself to be crowned, he placed the crown with his own hand on the head of his spouse at Konisberg, on the 18th of January 1701. It was the grandson of this first king who, aided by the treasure which his father had amassed, and the excellent troops which he had enlisted in every part of Europe, established in his state that military force which afterwards rendered him the most powerful monarch of the north.

This prince, a sovereign and absolute, shewed himself a legislator as well as a conqueror: he gave a new form to the finances; substituted nine colleges of justice, instead of the ancient grand bailiwicks; established ten provincial councils; and in fine has given  
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a collection of laws under the title of *the code of Frederick.*

One of the articles of this code, which does the most honour to its author, is that by which he declares, that "In all processes wherein he shall be interested, if there be any doubt, he will rather suffer some loss than weary his subjects by burdensome proceedings."

In the book which treats of the state of persons, there is a very singular article; it is the one which relates to hermaphrodites. "Persons of this species" (says the legislator, who was not obliged to be a great anatomist) "in whom neither of the sexes prevail, may choose that which seems good to them; but their choice being made, they cannot change. Thus a man who has espoused a woman cannot espouse a man."

This code gives to the father the right of confining his children in his own house, and of chastising them moderately; but it forbids the shutting them up in a house of correction without the intervention of justice.

A husband and wife may dissolve their marriage by mutual consent, but not without demanding a separation from the magistrates; who, during one year, endeavour to reunite them. Adultery on either side is a cause of divorce.

The legislator carries his severity very far in permitting a husband to demand a divorce whenever  
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he discovers a *billet-doux* in the hand-writing of his wife. Such a law will only make the wife more reserved in her style; and a lady may perhaps gratify a lover as much by injurious and menacing expressions as she would by those of tenderness; he will soon discover love under the veil of prudence.

That malady which poisons the sweets of marriage and blasts its fruits, is in Prussia a cause of divorce. The difficulty of knowing the offender has hitherto prevented the French legislators from pronouncing on this point.

A state of habitual fury, or of continual idiotism, is another cause of divorce in this, and ought to be in all civilized countries: the union of gentleness with frenetic rage, and of reason with folly, should, in the indissoluble bands of wedlock, be prescribed like other unnatural unions.

According to the same code, bastards may be legitimated by the marriage of their parents; and the excellent law of adoption is restored in the extent it had among the Romans.

In that part which relates to judicature, it directs that the report of all causes shall be made in eight, or in fifteen days, unless there be an indispensable necessity for deferring it.

All causes which pass through three degrees of jurisdiction must be terminated in the space of a year. Advocates alone are to carry on the proceedings, which  
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are very simple, and the office of attorney is suppressed.

Such is the substance of the famous *code of Frederick*, which is still susceptible of improvement. It is to be hoped that the French legislators will draw from thence whatever may be found useful to the nation; and that by modifying what appears too imperious, or has too much sameness in this code, they will form one so perfectly wise, and equitable, that it may hereafter be adopted by all Europe.

The inhabitants of Prussia are computed to be five millions; and how a state which contains no more people should be able to support so great an army, would be astonishing, if it were not known that Frederick the II. increased the population of his kingdom by the recruits which he drew for this army from other states.

Half only of the two hundred thousand men, which are always ready to march, are Prussians. This moiety is composed of peasants, enlisted journeymen, and day-labourers; who, in the months of April and May, join their regiments in order to be exercised in military evolutions, and afterwards return to their fields, to prepare the ensuing harvest. The other moiety is formed of enlisted foreigners, who increase the national population. Those soldiers, who are employed only two days in the week on military duty, can on the intermediate days, and in the towns where they are in garrison, work at different trades



trades for their own emolument: marriage is so far from being forbidden among them, that it is encouraged; and there is not a Prussian regiment but has more women and children than soldiers belonging to it. There is an hospital at Potsdam for maintaining five thousand children of soldiers, great part of whom are, at the age of eight years, sent into the country among the peasants, and thirteen crowns a year paid for bringing them up; by this means they became good husbandman, and, when their stature is sufficient, good soldiers.

After considering these circumstances, we shall find no difficulty in agreeing with M. de Hertzberg, that “The Prussian army, however numerous it may be, is not disproportioned to the population of the country; which it augments rather than diminishes.”

Agriculture was so wisely encouraged by Frederick the II, that the corn produced in Prussia, in common years, is not only sufficient for home consumption, but allows of an exportation to the value of six millions of livres. Besides, as has been observed by M. de Hertzberg, “She may afford so much more to the export trade, from her having behind her the fertile countries of Poland, Bohemia, and Saxony, which can send nothing by sea but through the Prussian states; from whence, by means of the Elbe, the Oder, and the Vistula, they find a lucrative and easy exportation.”

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It is not exactly known to what sum the revenue of Prussia amounts; but it must excite admiration, that without augmenting the taxes paid before by his subjects, Frederick the II<sup>d</sup> found means to maintain and recruit very formidable armies; to contend during a seven years war against three of the greatest powers of Europe; to extend his empire; to render his new-born flag respectable; to cause the building of near six hundred villages, which he peopled with families invited from other countries; and to distribute from 1763 to 1785 nearly two millions of crowns every year in gratuities, rewards, and encouragements.

This excellent administration, this glorious use of power, calls upon us to pardon the late king of Prussia for having forgot the rights of the nation which he governed, and for having considered only as his subjects the men who were united under his empire.

It is not yet time to pronounce on the government of Russia. What could be said of that immense empire, which may be compared to a block of marble on which different artists have successively employed their talents? It was grossly hewn out by Peter the Great; the rough form of this colossal figure was softened by Elizabeth; and it has received more of the human appearance from the able hand of Catherine the II<sup>d</sup>. who by the instructions which she gave to the commissioners charged with pre-

paring a new code of laws, has proved herself worthy of governing a great empire. She has done more for Russia by her equity and her beneficence, than all her generals have done by their warlike virtues. It is of little advantage to so vast an empire to have its bounds extended; its true welfare is more essentially promoted by favouring population by wise laws; by encouraging industry; by increasing its riches by commerce; by cultivating the arts and reconciling them to a stubborn soil, ungenial to their nature; by meliorating the manners of a still savage race of nobles; and by communicating sensibility to a people whom the roughness of their climate had rendered impenetrable to all the soft affections, and social virtues of humanity. These are the works which already make the reign of Catherine illustrious; and which will reflect so much glory on her memory.

I shall now quit the sojourn of royalty to penetrate the bosom of a republic; but it is not one where liberty finds a happy asylum; let us however seek her from country to country until we experience the delight which her aspect inspires. If we find her not in another republic, which has by its courage raised itself above tyranny, and by its industry above the ocean, perhaps she may present herself to our view in an island where she has taken refuge, as a place from whence she may better brave oppression. But if from that inconstancy so natural to her, she has stolen away from her adorers, and has  
deceived

deceived them by leaving licentiousness in her room, we will traverse the vast extent of the Atlantic to enquire whether she has not established her throne amidst a people, more likely from their manners to render her the worship in which she delights.

There, at least, we shall contemplate her faithful image ; and from that we shall be able to know her, if on our return we should discover her in France, triumphant over all opposing obstacles, disengaged from the dark anxieties which threw a gloom over her approach, and balanced in the midst of public tranquillity, as the sun in a cloudless heaven seems to float in an ocean of light.

